

BUILDING IN LONDON

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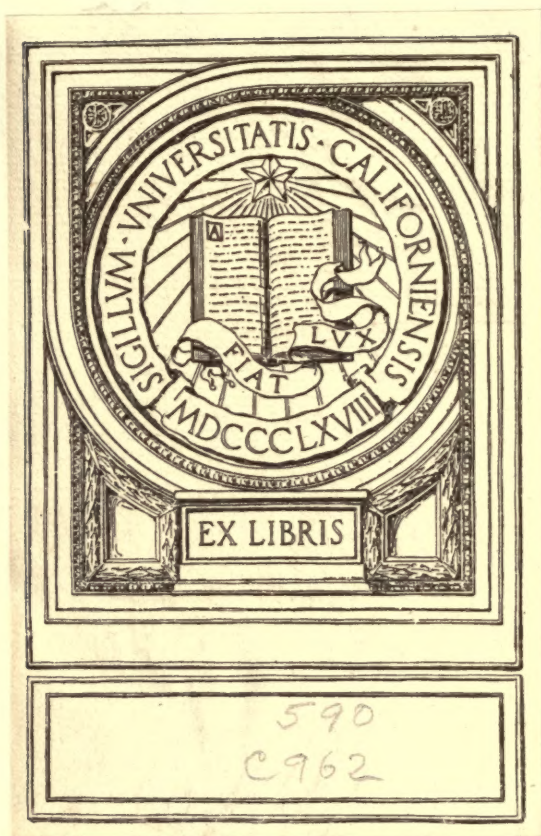
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BUILDING IN LONDON

BUILDING IN LONDON

A Treatise on the Law and Practice
affecting the Erection and Maintenance
of Buildings in the Metropolis

BY

HORACE CUBITT, A.R.I.B.A., P.A.S.I.

CERTIFIED COMPETENT TO ACT AS DISTRICT SURVEYOR IN LONDON, FORMERLY OF THE
ESTABLISHED STAFF (BUILDING ACT SECTION) OF THE LONDON COUNTY COUNCIL

WITH SPECIAL CHAPTERS DEALING RESPECTIVELY WITH

The Cost of Building Work in and around London

BY

H. J. LEANING, F.S.I.

AND

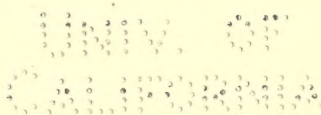
The Valuation, Development, and Rating of London Property

BY

SYDNEY A. SMITH, F.S.I.

GOLD AND SILVER MEDALLIST, AND "DRIVER" PRIZEMAN OF THE
SURVEYORS' INSTITUTION

SPECIALLY CROSS-REFERENCED



LONDON

CONSTABLE & COMPANY LIMITED
10 ORANGE STREET LEICESTER SQUARE W.C.

1911

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UNIT OF
CALIFORNIA

BUILDING IN LONDON

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PREFACE

THE law and practice with regard to the erection and maintenance of buildings in London differ so much from the law and practice elsewhere, and the interests affected are of such very great importance, that there is thought to be the fullest justification for the issue of the present work. The law in regard to questions of building and sanitation in London has not hitherto been dealt with comprehensively, and the publications which treat of those portions of the law which are contained in the Building Acts are of principal value to persons who already have a fair acquaintance with the requirements. It is considered that the customary method by which the provisions of an important Act of Parliament are explained by notes appended to the sections, is open to the objection of being of little assistance to a person who is but slightly acquainted with the law, for it is only by very carefully reading through the whole Act that he is able to find out what particular provisions affect his work. If this is so in the case of a single Act of Parliament it is evident that it applies with enormously increased force in the case of the London building law, where the requirements are contained in more than forty Acts, and a number of by-laws and regulations. Consequently in my treatment of this subject the method adopted is that of taking the various practical questions of street formation, drainage, air space, construction, etc., etc., and dealing with each of these in a separate chapter in which, as far as possible, the whole of the requirements of the law are included and explained. Attention is particularly invited to Chapter 18, where the numerous cases in which there is the right of applying for special treatment, in which there is the right of appeal against the decision of an administrative authority or magistrate, and in which there is partial or entire exemption from some specified Act or provision, are set forth in tabular form.

It is realised, however, that the majority of persons will demur at taking the word of any writer in respect of a statutory requirement. Before accepting his explanation they will naturally desire to read the text of the requirement themselves. All the provisions of the Acts, by-laws, and regulations which have reference to building work in London are therefore printed in the second portion of the volume. By means of the system of cross-reference which has been adopted, it is possible, when desiring to consult any requirement that is treated of in one of the chapters devoted to an explanation of the law, to refer at once to the text of the requirement in the second portion of the volume, for the figure in the margin denotes the page on which will be found the text of the requirement of which mention is made. In a similar manner it is possible, when studying a statutory requirement which appears

difficult to understand, to refer back to one of the chapters for such measure of elucidation as it is possible for a layman to give. Sometimes all that can be said is that the law is in an uncertain state, and that the obtaining of legal opinion is advised if interests of importance are involved. But even this is of considerable value, for it is to the advantage of the private individual to know in what respects the provisions of the building law are open to question. If he has not this knowledge, he will naturally accept the interpretation favoured by the administrative authorities, and this occasionally may be one which operates to his disadvantage and might not be confirmed by a court of law.

The system of cross-reference adopted is personally considered to be one of the most important features in the volume. It has, however, in one instance been to some extent responsible for a rather important departure from precedent. It was found when arranging for the printing of the book, that, in the case of the Acts, by-laws, and regulations forming the second portion of the volume, there was such a mass of material demanding inclusion, that the allowance of a margin for the reference figures, together with a further margin for the marginal notes to the sections, would so add to the size and cost of the book as to make the price excessively high. The marginal notes have therefore been run in bold type as headings to the ordinary text. Marginal notes are presumably provided for the purpose of facilitating reference, and it is suggested that this desired result is, if anything, better achieved by side-headings in bold type.

A treatment solely confined to the legal aspect being considered to be lacking in practical value, I have also referred to those questions of practice which are incidental to compliance with the building law. The question of the preparation of plans for submission to public authorities is dealt with, a few notable points involved in ordinary statical calculations are carefully explained, and the important considerations governing the remedying of dangerous structures and the provision of means of escape in case of fire are discussed.

There being, in connection with the erection and up-keep of buildings, several important subjects with regard to which only the views of men who have devoted particular attention to such subjects are of value, special chapters are included which are contributed by Mr. H. J. Leaning, F.S.I., and by Mr. Sydney A. Smith, F.S.I., Gold Medallist of the Surveyors' Institution, of the firm of Messrs. Weatherall and Green. Mr. Leaning deals concisely but fully with the cost of building work in London and the surrounding neighbourhood, and not only gives the standards of cost for all kinds of buildings, but—which is of much more importance—states on what class of work such standards are based, and explains how they may be varied to suit special circumstances. Mr. Smith treats of the important questions of valuation, rating, and general development of London property, and his material includes many items of great interest which are rarely, if ever, met with in print. To those who are at all familiar with surveying and valuation practice in London, these two gentlemen need no introduction. By their work the value of this volume has been greatly enhanced, and I consider myself exceedingly fortunate in obtaining the co-operation of two such recognised authorities in their

respective subjects, and take this opportunity of expressing my great appreciation of their association with me in this enterprise. I have also to thank Mr. Smith for having very kindly read through my own material when in proof.

In dealing with the question of the building law I have naturally consulted all sources of information which suggested themselves to me. Among the works which have proved of assistance are Mr. Bernard Dicksee's "London Building Acts," Messrs. Tagg and Glenister's "London Laws and Bye-laws," Mr. E. Arakie Cohen's "London Building Acts," Messrs. Arthur Crow and A. F. Jenkin's "Architects' Law Reports," Mr. Arthur P. Poley's "Law Affecting Sewers and Drains," the 1910 edition of Messrs. Macmorran and Naldrett's "Public Health (London) Act, 1891," and the 1909 edition of the late Mr. Alexander Redgrave's "Factory and Truck Acts." I have also delved very considerably in the reports of the cases decided by the Courts. I desire to express my appreciation of the courtesy which I have received from the officials of the various authorities when in the search of information on subjects outside the scope of my own official experience. I have to acknowledge my very great indebtedness to several friends who have read through the proofs of those portions of my subject of which they have special knowledge, and have given me the benefit of a constructive criticism which has been most valuable.

This volume has taken about three years to produce, it embodies the result of considerable practical experience, and I trust that it will be found worthy of a place on the shelves of the majority of that large class of professional and business men who are frequently faced with the settlement of questions of law and practice as regards the erection, cost, valuation, sale, letting, rating, and maintenance of London buildings.

HORACE CUBITT.

LONDON,
March, 1911.

NOTE.—*The marginal numbers refer to pages of this work.*

DIVISION I

COUNTY OF LONDON

CHAPTER 1

EXTENT AND ADMINISTRATION

ALTHOUGH the County of London has existed as an administrative area for over twenty years, there still remains considerable ignorance as to its exact extent in the minds even of intelligent and otherwise well-informed people. Many go so far as to believe that the London postal district and the County are conterminous areas, whereas the postal district extends far beyond the County boundary, except in the south-east, where Woolwich, south of the Thames, though in the County, is outside the postal area. There may, however, be some little excuse for this lack of correct information, for, even when the County was formed, many districts at that time fairly populous were not included, and the increased development of greater London during the last two decades has, in the majority of districts, caused the line of demarcation between the outer metropolitan and the adjoining urban areas to be of a purely arbitrary character, illustrative of no difference in degree either of populousness or commercial importance. Thus, in the east not only are the more suburban districts of Walthamstow and Ilford outside the County, but also the very important and densely populated neighbourhoods of East and West Ham. Going north, the large districts of Tottenham, Finchley and Willesden are outside the County, as also are Acton and Ealing in the west, all the Thames Valley townships of Richmond, Kingston, Twickenham, etc., in the south-west, and Wimbledon and Croydon in the south.

Extent of County. The County, however, comprises practically all the most important business districts, and has an area of about 117 square miles. It extends inclusively from Shepherd's Bush in the west to Bromley-by-Bow in the east, and as far as Woolwich in the south-east; from Highgate and Holloway in the north to Sydenham, next the borders of the Crystal Palace, in the south. Penge, which is situated to the south of Sydenham, was at one time included in the County, but in 1900 it was constituted an urban district. At first the London Building Acts applied in this district, but in 1901 special by-laws were made, and the provisions of the London Building Acts now apply only as regards alterations to buildings existing prior to the approval of these by-laws. Schemes have been mooted from time to time for considerably

extending the County boundary, but at present these have not materialised in any way. Some arrangement of this nature may, however, be considered to be within the range of practical politics and would doubtless, from the building standpoint, be not undesirable, provided measures were adopted to ensure that in the administration of the Acts due regard would be paid to local conditions.

The Administrative County is in the main the old metropolis, but some slight modifications have been made. Portions of Stoke Newington and Tooting, for the identification of which old maps must be consulted, were originally outside the metropolis. In such areas the operation of the building law, principally as regards the question of drain or sewer and the re-erection of buildings in advance of the general line, differs from that in the rest of London. Of the three parishes of Woolwich, Plumstead, and Eltham, which form the borough of Woolwich, the first was not subject to the general provisions of the Metropolitan Management Acts until 1900. A good folding map of the County, showing the metropolitan borough boundaries, is published by Messrs. G. Philip and Son, 32, Fleet Street, price 8/-. The map of district surveyors' districts, formerly issued by the County Council, is obsolete and out of print.

Metropolitan Boroughs. To those not familiar with the recent history of London local government, the nomenclature of the several districts often proves a source of confusion. The names of various metropolitan boroughs, administrative areas constituted in 1899 by the grouping together of local vestries and district boards, are gradually coming into general use, but the old district names still survive, and it is not always realised that several districts are often comprised in a single borough. Westminster, which, next to the City of London, is the most important local authority, and the only other one which attains the dignity of being termed a city, includes, in addition to the parishes of St. Margaret and St. John, and St. James (Westminster), those of St. George, Hanover Square, St. Martin-in-the-Fields, and the district of the Strand Board of Works. The borough of Stepney includes Whitechapel, Mile End, St. George's-in-the-East, and Limehouse. "Wandsworth" to many people means the district, but there is also a borough of Wandsworth, which, in addition to including the district of that name, contains those of Clapham, Streatham, Tooting, Putney, and Roehampton. Further similar instances can be cited, and there are also such names as Soho, Mayfair, and Pimlico, which refer to neighbourhoods and not to administrative districts. The metropolitan boroughs number twenty-eight, and are as follows:

Battersea,	Fulham,	Kensington,	Shoreditch,
Bermondsey,	Greenwich,	Lambeth,	Southwark,
Bethnal Green,	Hackney,	Lewisham,	Stepney,
Camberwell,	Hammersmith,	Paddington,	Stoke Newington,
Chelsea,	Hampstead,	Poplar,	Wandsworth,
Deptford,	Holborn,	St. Marylebone,	Westminster (City),
Finsbury,	Islington,	St. Pancras,	Woolwich.

The City of London, a comparatively small area to be comprised almost in a semi-circle of $\frac{3}{4}$ -mile radius described from the north end of Southwark Bridge, taken together with the foregoing list of boroughs, completes the administrative County of London. But to some extent, the City area forms an

imperium in imperio ; for the City Corporation, unlike the Borough Councils, is not subordinate to the County Council, and the law as regards drainage and sanitation, and in some points as regards the erection of buildings, is different in the City from that applying throughout the rest of London. 205

The Administrative Authorities in London consist of the County Council, the City Corporation and the Metropolitan Borough Councils, including the Westminster City Council, which, for administrative purposes, ranks as a Borough Council. The superintending architect and the district surveyors have also duties and powers of great importance in connection with the administration of the London Building Acts, and in numerous cases there is the right of appeal from the determination of County Council, superintending architect, or district surveyor to a standing Tribunal of Appeal, constituted under the London Building Act, 1894, but modified as regards its constitution when deciding appeals under the London County Council (General Powers) Act, 1909. 497 505 595

The London County Council has very wide administrative powers with regard to structural work in London, and also, it may be incidentally mentioned, exercises financial control in respect of loans required by the Borough Councils to defray the cost of public works. The County Council came into existence in 1889 as the successor to the Metropolitan Board of Works, and exercises the powers formerly possessed by that body. It has full control of the whole main sewerage system and the sewage disposal works ; its approval must be obtained before a Borough Council can sanction the construction of new sewers, it decides appeals from decisions of Borough Councils under the Metropolis Management Act, 1855, and the Public Health (London) Act, 1891, and it controls the formation of new streets. In matters more particularly applying to buildings the County Council is the chief authority to institute parliamentary action where any amendment of the building law is deemed necessary ; it administers the Acts which deal with the question of means of escape in case of fire ; it is able to take action to enforce compliance with the building law in cases where powers are not possessed by the district surveyors, and, most important of all, it is able in a large number of cases to allow departures from the ordinary requirements of the building law. 365 236 457 182 230

The City Corporation occupies a position which, as regards its administrative importance, may be described as being about midway between that of the County Council and a Borough Council. Under the City of London Sewers Act, 1897, the City Corporation was invested with the powers possessed by the Commissioners of Sewers for the City, a body which was abolished by such Act. The City authorities have very important powers regarding sewerage, drainage, and street works under the City of London Sewers Acts of 1848 and 1851, and they also have made by-laws under their Various Powers Act of 1900 with regard to sanitary fittings. Under the Metropolitan Paving Act of George III., commonly known as Michael Angelo Taylor's Act, they are able to widen streets, and acquire land compulsorily upon payment of compensation, and they have extensive powers as to sanitary matters under the Public Health (London) Act, 1891. The by-laws made by the County Council as to building materials, drainage and sanitary matters do not apply in the City. 529 319 308 423

The Building Acts, however, except certain specified parts and sections, apply, and, with the exception of provisions relating to dangerous structures and sky signs, are administered by the County Council and the district surveyors.

489) The requirements as to dangerous structures and sky signs are administered
494) by the Corporation, who exercise the powers possessed elsewhere by, respectively, the County Council and the Borough Councils.

The Metropolitan Borough Councils are the successors of the old vestries and district boards, whose powers they possess. The Borough Councils have powers under the Metropolis Management Acts, subject to the consent of the County Council, to construct subsidiary sewers and to approve the construction of sewers of this character by private persons. Under the same Acts they have power to pave private streets and have charge of the repair, maintenance and lighting of highways, and are the licensing authority for builders' hoardings. They have similar powers to those of the City Corporation, under Michael Angelo Taylor's Act, and under the Public Health (London) Act, 1891. They administer the drainage and sanitary by-laws framed by the County Council, and plans of drainage and sanitary work must be submitted to them for their approval. They have also minor powers under the Building Act of 1894, principally as regards sky signs and wooden structures. When dealing with applications under the Building Acts for special treatment in cases where questions of distance of building from streets, lines of building frontage, or projections are involved, the County Council does not come to a decision until the local authority, that is to say the Borough Council, or in the Cities of London and Westminster, the City Corporation, or the Westminster City Council, as the case may be, has had an opportunity of forwarding its views. In the case also of applications for the formation, widening, renaming, and renumbering of streets, the local authority is asked to state its views.

497 **The Superintending Architect**, who since the institution of this office in 1855 has also carried out the duties of chief architect to the County Council or Metropolitan Board of Works, exercises certain statutory powers under the Building Act of 1894, the most important of which is that of defining the general line of buildings in streets. His certificate of general line can, however, be made the subject of an appeal to the Tribunal of Appeal.

498 **The District Surveyors** claim to be the official descendants of the "Surveyors or Supervisors" appointed in 1667, when an Act was passed for the rebuilding of the City consequent upon the damage wrought by the Great Fire. The district surveyors, of whom there are about fifty, are appointed by the County Council. Their incomes are derived from fees payable to them by builders in respect of the erection and alteration of buildings in their districts, and by the County Council for supervising the formation of streets, and supervising the carrying out of certain works for which special consent has been obtained. They also receive fees from the County Council for surveying structures alleged or found to be dangerous. No person can be appointed to the office of district surveyor unless he has been successful in the examination held by the Royal Institute of British Architects under the Building Act of 1894, and has been awarded a certificate of competency by such body, or "has been examined in such other manner as the Council

may direct, and been found competent in such examination." The Council have hitherto invariably required candidates to possess the certificate awarded by the Royal Institute. A list of district surveyors and their districts is given on pages 680 to 689.

Before commencing a "building or structure or work" in the County of London the builder is bound to give the local district surveyor two clear days' notice, except in cases of emergency, when it will be sufficient if the notice is served within twenty-four hours after the work has been commenced. 499

A district surveyor's duty is stated in Section 138 of the Building Act of 1894 to be that of supervising, subject to the provisions of the Act and exemptions contained in the Act, "every building or structure and every work done to in or upon any building or structure" in his district, including "all matters relating to the width and direction of streets, the general line of buildings in streets, the provision of open spaces about buildings, and the height of buildings." He is also empowered to take proceedings in the event of there being any contravention of those provisions of the Act to which his administrative powers extend. Where he is apprised of any actual or probable contravention of the Act with which it is not within his competency to deal, it is his duty to report the same to the County Council. 498 502

In addition to the above-mentioned general administrative powers possessed by district surveyors, they have special powers with regard to the erection of public buildings. Here no schedule of wall thicknesses exists, but every such building, "including the walls, roofs, floors, galleries and staircases," is required to be constructed in such manner as may be approved by the district surveyor or, in the event of disagreement, as may be determined by the Tribunal of Appeal. 480

The case of *City of Westminster v. Watson and Others* [(1902), 2 K. B. 717] is of interest as illustrating the status of the London district surveyors. The following remarks of Mr. Justice Channell in this case put the position of the district surveyors very clearly:—"the district surveyors are persons having a statutory position and duty cast upon them; they are not mere servants of the London County Council."

The Tribunal of Appeal, as constituted under the Building Act of 1894, consists of three persons, one appointed by a Secretary of State, one by the Council of the Royal Institute of British Architects, and one by the Council of the Surveyors' Institution. There are numerous instances under the provisions of the Building Act of 1894 in which appeal to the Tribunal is possible. Of these, stated at length in Chapter 18, the most important are appeals in relation to the formation or laying out of streets, the general line of buildings, the air space about buildings, the height of buildings, and the construction of public buildings. In that portion of the draft Bill before Parliament in 1905 which ultimately became law, there was no reference whatever to the Tribunal, but in the Act as passed—the London Building Acts (Amendment) Act, 1905—there are six instances, affecting practically every section of importance, in which appeal to the Tribunal is possible. This fact is of considerable interest as an illustration of the Legislature's appreciation of the services of the Tribunal. Under the new 505 236 193

London County Council (General Powers) Act, 1909, of which Part IV. allows the erection of steel-frame buildings, appeal to the Tribunal is possible in several instances. The members of the Tribunal, when dealing with cases under this Act, are increased by a fourth member appointed by the Council of the Institution of Civil Engineers.

From this brief review of the London administrative authorities and the scope of their respective powers, it will be seen that a person building in London has often to satisfy two, if not three, different authorities. In every case he will have to give notice to the district surveyor, and comply, under his supervision, with the ordinary provisions of the Building Acts, and, in the case of a public or steel-frame building, plans must also be deposited with this official. In the majority of cases drainage or other sanitary works will be proposed, and it will then be necessary to submit plans to the local Borough Council, or, in the City, to the Corporation, for approval. Further, if the building is to be occupied by more than 20 persons or is a "high building" within the meaning of the definition contained in the 1905 Amendment of the Building Act, or is a licensed place of public entertainment, full plans must be submitted to the County Council and their approval to the means of escape in case of fire obtained. In many cases also it may be desirable to endeavour to obtain consent to the erection of a building, which in situation, area, height, air space or construction would not, except by special permission, be in conformity with the provisions of the Building Acts, and here, of course, an application to the County Council must be made. Often it may be necessary to require the superintending architect to define the general line of buildings, and occasionally in this and in other cases where an appeal is possible, it may be desirable to invoke the authority of the Tribunal of Appeal. The path of a person building in London is beset by difficulties. Unfortunately, not only is it often difficult to elucidate the meaning of the Acts of Parliament, together with the various by-laws and regulations which apply, but sometimes it is difficult to be certain as to the exact extent of the powers possessed by the different authorities.

Courts of Justice. In referring to the petty sessional Courts which deal, among other things, with ordinary matters arising under the building law, I have adopted the term police Court, as being the expression used in ordinary conversation, although this may not be strictly correct, as in the City of London such cases are dealt with at, respectively, the Guildhall and Mansion House Justice Rooms. At each of these two Courts an alderman presides, but at every other police Court in London, except at Hampstead where there is a bench of magistrates, justice is dispensed by a single stipendiary magistrate. In addition to the ordinary police Courts, special sessions of the justices are convened in different districts, principally for the purpose of dealing with licensed houses and general valuation appeals. There are also the ordinary County Courts, and the Quarter Sessions, and, of course, there is the final jurisdiction of the High Court, the Court of Appeal, and the House of Lords.

CHAPTER 2

ACTS, BY-LAWS, AND REGULATIONS

THE Acts affecting the development of land and the erection of buildings in London amount to over forty in number. The great majority of them contain provisions of considerable importance, and in addition to these numerous Acts there are the by-laws and regulations made under such Acts, some of which are very comprehensive in character. A stranger coming to London and investing in copies of the London Building Acts, 1894 to 1905, might not unnaturally think that he had obtained possession of the whole building code, whereas actually he would have little more than half of it. The term "Building Acts" is quite a misnomer if it is taken to mean the whole building law. The provisions contained in the several Metropolis Management Acts, in the Public Health (London) Act, 1891, and in the various General Powers Acts of the London County Council, together with the by-laws and regulations made under the Acts here mentioned, are of almost equal importance to the provisions of the main Building Act of 1894. This Act, usually spoken of as *the* London Building Act, if discovered by the bibliologists of a thousand years hence, might well be classified by them as merely a fragment of a presumed general building Act, so incomplete it is without the supplementary provisions of the other Acts and by-laws which deal with the questions of sewerage, drainage and general sanitation, street paving, the protection from fire of places of public resort, the quality of materials to be used throughout constructional work, the erection of steel-frame buildings, means of escape from buildings in the event of fire, and other subjects of vital importance to the health, safety, and convenience of the community. To give, however, *in extenso* every Act containing a provision affecting the erection of buildings would result in the production of a most cumbersome and costly work. Therefore, in the text of the Acts forming the second portion of this volume, only those sections are given which have some influence, direct or indirect, on the development of land and the erection of buildings. The full text of the three Building Acts is, of course, given. The principal Acts are here summarised as follows :—

Michael Angelo Taylor's Act. The oldest Act applying to London 307 which now has any practical reference to streets and building is the Metropolitan Paving Act of George III., usually referred to as Michael Angelo Taylor's Act, from the name of its promoter. This Act, as passed in 1817, applied only in specified districts, but was extended to the whole of London by Section 73 of the Metropolis Management Amendment Act, 1862. Many 370 of the provisions of the Act have been rendered obsolete by the passing of the

308 Metropolis Management Acts, but there is a very important provision not thus affected under which the City Corporation or local Borough Council—not the County Council—have power, for street widening purposes, to purchase the actual area of land required, although this may involve taking a small portion of a building, without being liable to be compelled by the owner, at his option, as would be the case under the Lands Clauses Act, 1845, to buy the whole of the property.

338 **The Metropolis Management Act, 1855**, is the basis of London sanitary legislation, as in a similar manner the provisions of the now repealed Building Act of the same date, most of which are re-enacted in the 1894 Building Act, form the foundation of the law applicable to constructional work other than that coming under the heading of sanitation. The provisions of this Act of 1855, defining the powers of the authorities having jurisdiction in matters dealt with by the Act, still apply, but with the modifications rendered necessary by the fact that each one of the three authorities mentioned has been abolished, and in two of the three instances replaced by a newly-constituted authority having much more extensive powers. For Metropolitan Board of Works we have, therefore, in every case to read the *London County Council*, for Vestry or District Board we must substitute *Metropolitan Borough Council*, and for Commissioners of Sewers the *City Corporation*. The Act deals generally with sewerage and drainage, the construction of streets,
608 as regards which the by-laws made under the Act are in part superseded by
457 the provisions of Part II. of the 1894 Building Act, the paving of private streets,
213 the apportionment of expenses between owners, and, together with other less
important matters, the construction of vaults and cellars. Very compre-
693 hensive by-laws dealing with drainage have been made under this Act. These,
it should be noted, do not apply in the City.

364 **The Metropolis Management Amendment Act, 1862**, contains requirements supplementary to those of the Act of 1855. These have principal reference to the construction of sewers and drains, the branching of drains into sewers, and subsidiary sewers into main sewers, and the paving of private streets. Several provisions in this Act affecting the erection of buildings were repealed by and re-enacted in the 1894 Building Act.

399 **The Metropolis Management and Building Acts Amendment Act, 1878**, also extends the drainage and sanitary provisions of the two preceding Acts, but these extensions are outweighed in importance by the by-laws
722 made under this Act which have reference to the materials of which walls
must be constructed, to the excavation of any insanitary materials from, and
the provision of 6 inches of concrete over, the site of every building, and by
633 the regulations which have reference to the protection from fire of places of
public resort. The regulations, but not the by-laws, apply in the City.

402 **The Metropolis Management Amendment Act, 1879**, whose scope is indicated by the sub-title "Thames River, Prevention of Floods," is not of such general application, although it is of considerable interest to holders of riverside property. The Act deals chiefly with the liability of owners, Borough Councils, and the City Corporation to execute flood works, the power of the County Council to execute necessary works in cases of default, and the method

of settling claims for compensation for damages caused by the execution of flood works.

The Metropolis Management Acts Amendment Act, 1899, 539 contains provisions under which the County Council have made by-laws requiring plans of proposed drainage work to be deposited with the local Borough Council. 691

The City of London Sewers Acts, 1848, 1851 and 1897, which { 319 apply in the City only, and take the place to some extent of the provisions of { 334 the Metropolis Management Acts, have reference chiefly to the construction { 529 of sewers and drains, the construction of vaults and cellars, and the removal of projections from buildings. Regulations dealing with drainage have been 726 made by the City Corporation, and of course apply only in the City.

The Public Health (London) Act, 1891, deals, among other matters, 423 with offensive trades, smoke nuisances, and nuisances due to overcrowding and to general lack of proper sanitation. By-laws have been made under this Act which regulate the provision and construction of sanitary fittings. Such 701 by-laws do not apply in the City. The term "sanitary authority," as used in the Act, in ordinary cases means, in the City, the Corporation, and, in the rest of London, the local Borough Council.

The London Building Act, 1894, contains a considerable proportion of, 453 but very far from all, the provisions of the law affecting the construction of streets and buildings in London. The Act, which consists of sixteen Parts, has reference principally to the formation of streets (Part II.), lines of building frontage (Part III.), naming and numbering of streets (Part IV.), air spaces about and height of buildings (Part V.), construction of buildings (Parts VI. and VII.), rights of building and adjoining owners as regards party structures (Part VIII.), the method of obtaining the remedying of dangerous structures (Part IX.), and the duties of and payment of fees to district surveyors (Part XIII.). The term "local authority," as used in the Act, means, in the City, the Corporation, and, in the rest of London, the local Borough Council.

The London Building Act, 1894 (Amendment) Act, 1898, consists 530 of ten sections, the principal of which require the setting back of buildings and forecourt fences within the prescribed distance, limit the height of dwelling-houses for the working classes in certain cases, and make it a statutory offence to retain any unlicensed special or temporary building.

The London Building Acts (Amendment) Act, 1905, is the salvage 558 of a proposed very sweeping amendment of the London building law. The Bill as submitted to Parliament aroused a very large amount of opposition, and consequently the only provisions proceeded with were those having reference to means of escape in case of fire. Means of escape are required to be provided principally from such floors of buildings as may be more than 50 feet above the street level, and from buildings occupied by more than 20 persons, or in which more than 20 persons are employed. The Act applies throughout the whole of London both to new and existing buildings.

A London County Council (General Powers) Act has been an annual institution since and including 1890, but only about one-half of these Acts have any reference to building. By-laws, which do not apply in the City,

724 regulating principally the quality of plastering, are still in force, although
made under a section of the General Powers Act of 1890, which was repealed by
525 the 1894 Building Act. The General Powers Act of 1894 prohibits the dis-
charge of refuse and offensive liquids into sewers. The Act of 1902 provides
554 that every registered common lodging-house keeper must obtain a licence
from the Council applicable to his premises, and the Council are empowered
to refuse a licence if they consider either the applicant or the premises
unsuitable, but in both instances there is the right of appeal to a magis-
557 trate. The Acts of 1903 and 1904 contain several sanitary provisions. In
572 the Act of 1907 it is provided that before a person commences to execute
flood works he must first submit plans and specifications to the Council for
their approval. The Acts of 1908 and 1909 amend the 1894 Building Act.
584 The former deals with the uniting of buildings and the limitation of the cubical
extent of buildings used for trade or manufacture. The latter admits of con-
588 struction not in accordance with the general provisions of Part VI. of the 1894
Act, for it allows the erection of steel-frame buildings, and gives the Council
power to make regulations with regard to the construction of buildings and
structures of reinforced concrete.

532 **The London Government Act, 1899**, under which the Metropolitan
Borough Councils were constituted, is of interest only from an administrative
point of view. Section 5 read together with the 2nd Schedule of the Act
contains a statement of the powers and duties transferred from the County
Council to the Borough Councils. Among these is the administration of a
few sections of the 1894 Building Act, particularly section 84, which has
reference to wooden structures.

337 **The Common Lodging-Houses Acts, 1851 and 1853**, once of general
application but now restricted to London, require all common lodging-houses
to be registered and inspected by the public authority. The provisions of these
Acts are very considerably extended by Part IX. of the London County
Council (General Powers) Act, 1902, under which all such common lodging-
houses must be licensed by the County Council.

375 **The Valuation (Metropolis) Act, 1869**, controls the important ques-
tion of valuation for rating purposes throughout the whole of London. Its
provisions are to a slight extent amended by the Valuation (Metropolis)
418 Amendment Act, 1884.

Acts of General Application. In addition to the Acts already cited,
there are a few Acts applying both in and out of London which have influence
on the erection of buildings. The principal of these are given in the following
summary :—

316 *The Highways Act, 1835*, contains important provisions with regard to the
stopping up and diverting of highways.

542) *The Factory and Workshop Acts, 1901 and 1907*, confer administrative
579) powers on the sanitary authorities with regard to the sanitation of workshops,
and provide that the London County Council shall act as the District Council
empowered by the Acts to require factories and workshops in which more than
40 persons are employed to be provided with reasonable means of escape in
case of fire.

The Petroleum Acts, 1871 and 1879, which regulate the storage of petroleum, (397
will require to be consulted when erecting premises in which it is desired to (414
store any particular quantity of this spirit. The storage of the relatively small
quantity of petroleum required for use from day to day for motor-driven
vehicles is regulated by the *Locomotives on Highways Act, 1896*.

The Disused Burial Grounds Act, 1884, prohibits the erection of any build- 417
ing upon a disused burial-ground except for the purpose of enlarging a church,
chapel, meeting-house or other place of worship. The operation of this Act in
London is, however, restricted so as to permit the erection of certain small
buildings by the County Council and Borough Councils.

The Housing and Town Planning Act, 1909, in addition to extending the 596
provisions of the ordinary Housing Acts, enables the Borough Councils to
require and enforce the closing of insanitary houses, and gives power to the
County Council to formulate town planning schemes, and to approve schemes
of this nature put forward by owners of land.

The Cinematograph Act, 1909, prohibits the holding of cinematograph 605
and other similar exhibitions, except under licence from the County Council and
in accordance with regulations issued by the Home Secretary.

The By-Laws and Regulations, with the exception of those which merely
have regard to the submission of plans and of which there are several sets,
have for the most part already been mentioned in referring to the various Acts.
In addition to the regulations of the administrative authorities, there are those
of the Metropolitan Water Board with regard to water fittings. 673

References to Acts. In the second part of this volume those portions
of Acts which have been repealed and which it has yet been desirable to
include, are printed in italics. The printing of the names of superseded
authorities in this type has not, however, been deemed necessary. In the first
portion of the volume, when quotations are made from an Act, commas are
sometimes inserted to assist in bringing out the presumed meaning. In the
second portion, the Acts printed are, as regards punctuation, facsimiles of the
official copies. There is, however, an important difference as regards arrange-
ment, the marginal notes being, for the typographical reasons referred to in
the Preface, run as headings to the ordinary matter, with which they must on
no account be confused.

Administration has already been dealt with in Chapter 1, where, how-
ever, the powers of the several authorities have been referred to more from a
practical standpoint as affecting the different operations of building work
than as regards the Acts from which they are derived. Dealing with the case
from this latter standpoint, it may be briefly stated that both the County
Council and the Borough Councils have administrative powers under the
Metropolis Management Acts. The former body has charge of all main
sewers and is the authority to whom appeals from the decision of a Borough 236
Council under such Acts are to be made. The special City Acts and by-laws
are of course administered solely by the City Corporation. The County
Council, City Corporation, and Borough Councils all have administrative 441
powers under the Public Health (London) Act, 1891, and there is the right of
appeal to the County Council from certain decisions of a Borough Council, but 236

444 there is no appeal from the City Corporation. With the exception of a few
 minor powers possessed by the City Corporation and the Borough Councils,
 the provisions of the London Buildings Acts, 1894 to 1905, are wholly adminis-
 239 tered by the County Council and the district surveyors, whose decisions, how-
 ever, in certain cases may be subjected to the review of the Tribunal of Appeal.
 The various General Powers Acts of the County Council are administered by
 that body, but the district surveyors also have administrative powers as
 regards those provisions of the Acts of 1908 and 1909 which have reference
 to the construction of buildings.

A perusal of this and the immediately preceding chapter should convey a
 general idea of the powers possessed and exercised by the several London
 authorities and the Acts under which they obtain such powers. For informa-
 tion with regard to any particular point arising in connection with the design
 or carrying out of street works, sewerage, drainage, and building work it will
 be necessary to refer to one or more of the following chapters in which the
 provisions of the London building law are treated of in detail.

Definition of "Owner" in the Various Acts. Where premises are
 affected by building operations carried out on adjoining property, or where
 they are affected by requirements of public authorities, it is of very great
 importance to know who is the statutory "owner" of the premises. It will
 be found that the term owner is defined differently in the various Acts, and
 that sometimes the definition is such as to render possible the existence of
 more than one owner of the premises. For the purpose of comparison and
 ready reference the text of the definitions of "owner" in the various Acts is
 given in this chapter as follows:—

356 For the purpose of the Metropolis Management Acts, with the exception
 403 of the Amendment Act of 1879, where the definition is somewhat extended:—

"The word '*owner*' shall (except for the purpose of the provision of
 this Act requiring notice to be served on owners or reputed owners of
 land, before application to one of Her Majesty's principal Secretaries
 of State for his consent to exercise powers of taking land, or any right
 or easement in or over land, compulsorily,) mean the person for the time
 being receiving the rackrent of the lands or premises in connection with
 which the said word is used, whether on his own account or as agent or
 trustee for any other person, or who would so receive the same if such
 lands or premises were let at a rackrent." (Section 250, Metropolis
 Management Act, 1855.)

334 For the purpose of the City of London Sewers Acts:—

"The word '*owner*' shall mean any person in the possession or receipt
 of rent or profit arising from any house, building, or land." (Section 262,
 City of London Sewers Act, 1848.)

446 For the purpose of the Public Health (London) Act, 1891:—

"The expression '*owner*' means the person for the time being receiving
 the rackrent of the premises in connection with which the word is used,
 whether on his own account or as agent or trustee for any other person,
 or who would so receive the same if such premises were let at a
 rackrent."

“The expression ‘rackrent’ means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises; and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises, if the tenant undertook to pay all usual tenant’s rates and taxes, and tithe commutation rentcharge (if any), and if the landlord undertook to bear the cost of the repairs, and insurance, and the other expenses (if any) necessary to maintain the premises in a state to command such rent.” (Section 141 of the Act.)

For the purpose of the London Building Acts, 1894 and 1898, and such 456 provisions of the London County Council (General Powers) Acts, 1908 and 1909, as have reference to questions of construction:—

“The expression ‘owner’ shall apply to every person in possession or receipt either of the whole or of any part of the rents or profits of any land or tenement, or in the occupation of any land or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will.” (Section 5 (29), London Building Act, 1894.)

For the purpose of the London Building Acts (Amendment) Act, 1905, the 559 definition of “owner” is:—

(a) In cases under Section 18 of the Act relating to fees payable to district surveyors:—the same definition as that in the 1894 Act.

(b) In all other cases (see section 6):—Substantially the same definition as that in the Public Health (London) Act, 1891.

For the purpose of the Lands Clauses Acts the definition is as follows:—

“The word ‘owner’ shall be understood to mean any person or corporation who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking.”

The term “lands” is defined to extend to “messuages, lands, tenements, and hereditaments of any tenure.” (Section 3, Lands Clauses Act, 1845.)

For the purpose of the Factory and Workshop Acts the definition is the 551 same as that in the Public Health Act, 1875, which is as follows:—

“Owner means the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent.

“Rackrent means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and tithe commutation rentcharge (if any) and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent.” (Section 156, Factory and Workshop Act, 1901, and section 4, Public Health Act, 1875).

For the purpose of Part I. of the Housing and Town Planning Act, 1909, 600 the definition of “owner” is as follows:—

“The expression ‘owner,’ in addition to the definition given by the

Land Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of the Act,¹ except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than 21 years." (Section 49 of the Act of 1909.)

¹ *I.e.*, Part II. of the Housing of the Working Classes Act, 1890.

DIVISION II

STREETS AND SANITATION

CHAPTER 3

STREETS, SEWERAGE AND FLOOD PREVENTION

Formation and Construction of Streets.

Acts affecting Streets. The formation and construction of streets are controlled principally by the provisions of the London Building Act, 1894, and to a less extent by those of the Metropolis Management Acts, by-laws made under the Act of 1855, and having reference to the details of construction, being still in force. The Housing and Town Planning Act, 1909, must also now be considered. Section 6 of the 1894 Building Act provides that, without prejudice to the powers of local authorities to effect widenings, alterations, or improvements, streets are not to be made or ways to be widened, altered, or adapted to form streets except in accordance with the provisions of Part II. of the Act, which apply throughout the County. It is provided in the next section that, when any person proposes to form or lay out a street, whether for carriage or foot traffic, he must apply to the County Council and obtain the sanction of such body before commencing the formation of the street. The application must be accompanied by plans, sections and particulars, in accordance with the Council's printed regulations. The rights of railway companies are safeguarded by section 20. 457 624

Definition of Street. The first question which naturally arises is, what is a street? The definition of street, as given in section 5 of the 1894 Building Act, runs as follows:—"The expression 'street' means and includes any highway, and any road, bridge, lane, mews, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, bridge, lane, mews, footway, square, court, alley or passage." This, however, must be read together with the definition of "way," and it will then be seen that the Act contemplates the existence of channels for traffic which are not streets, and thus the definition of street is apparently not so extremely comprehensive as it would be if the definition of way did not exist. This definition is as follows:—"The expression 'way' includes any public road, way, or footpath, not being a street, and any private road, way, or footpath which it is proposed to convert into a highway, or to form, lay out, or adapt as a street." 453 454

457 **Acts which may constitute Formation.** There are a considerable number of roads in London which come within the definition of "way," but the provisions of the 1894 Building Act have been framed with a view to ensure that all new channels for public traffic are streets within the meaning of the Act, and consequently must be constructed of the width and in the manner prescribed for streets. Section 8 of the 1894 Building Act specifies acts which are deemed to constitute the commencement of the formation or laying out of a street. These are:—

- (1.) the erection of a fence or other boundary, or the laying down lines of kerbing, or the levelling of the surface of the ground so as to define the course or direction of a street.
- (2.) the formation of the foundations of a house in such a manner and position that the house "will or may become" one of three or more houses abutting on or erected beside land on which a street is intended to be or may be thereafter laid out or formed.

There is, however, a highly important proviso at the end of the section, which is to the effect that no person shall be deemed to commence to form or lay out a street if he do any of the above-mentioned acts for some purpose other than that of forming or laying out a street.

It is to be noted that there is nothing in section 8 to imply that the acts there specified are the only ones which will constitute the formation or laying out of a street. It appears from the remarks of Lord Alverstone in *London County Council v. Davis* (1904, 91 L. T. 555), which case will be referred to in detail later, that the acts mentioned in section 8 are to be taken as being merely some of the acts which may constitute the formation or laying out of a street.

61 **Decided Cases.** The provisions of section 8 being of such conflicting character, if it is desired to obtain some idea of what acts may or may not constitute the formation of a street, it is necessary to refer to the cases which have been decided by the Courts. There are a few cases, under Acts prior to 1894, in which it was held that the erection of buildings abutting on a court or passage-way did not constitute the formation of a street. References to the principal of these cases are given at the end of the present division of this volume, but the cases do not receive detailed mention, for there were no corresponding provisions to section 8 of the 1894 Act in the Acts then in force. Consequently the cases have not a direct bearing upon the question as it is to-day, although it is by no means certain that, under the present Act, different decisions would have been arrived at.

Carter Wood v. London County Council.¹ The first case which was decided under the present Act was that of *Carter Wood v. London County Council* (1895, 73 L. T. 313). This was an appeal from a magistrate's decision in the case of a road leading round the quadrangle of a block of mansions comprising forty-two flats, which road was approached from the public street by one entrance only, this being through an archway closed by lofty gates. The quadrangle was intended to be for the sole use of the tenants of the flats and for the tradesmen and public visiting them. The magistrate convicted the owner of having formed or laid out a street without the consent of the

¹ Case overruled by *Armstrong v. London County Council*, next quoted.

Council, and the case was taken to the High Court. It was argued on behalf of the Council that the question under dispute was one of fact and that the magistrate's decision was consequently conclusive. The Court, however, would not accept this contention, and the appeal was allowed. Mr. Justice Grantham stated that the circumstances indicated an entirely private use of the alleged street, and that, having regard to the circumstances of the case, if the Act were considered to apply to the case, a compliance with the requirement for a street 40 ft. wide would result in an absolute waste of space. The length of the alleged street in this case was 145 ft.

Armstrong v. London County Council. The circumstances in *Armstrong v. London County Council* [(1900) 1 Q. B. 416] were an amplification of those in the *Carter Wood Case*. Twenty new buildings, each containing eight flats, were proposed to be erected. Sixteen of the buildings were proposed to be built around a quadrangle, with an ornamental garden in the centre, and a carriage-way 40 ft. wide running round the sides and affording access to the buildings, and communicating with the public street by means of a straight road flanked by the remaining buildings. It was proposed to erect gates at the entrance to the street and to keep them in charge of a porter, and thus reserve the use of the carriage-way to the tenants of the flats and their visitors. The owner was convicted by the local justices of commencing to lay out a street without the sanction of the Council, and the High Court upheld the conviction. In the course of a written judgment it was stated by the Court that, if the appellant could do as he proposed, the objects of the Act would be defeated, and although, so the judgment runs, "It does not follow that everything enumerated in the interpretation clause is a street for all purposes and in all circumstances within the meaning of the Act"—a drive to a private house, and an approach by a courtyard to one or two blocks of buildings, being cited as typical exceptions—the Court was of opinion that the way round the courtyard in question was a street. It was further stated that the previously decided cases had been examined, but with one exception were not referred to in the judgment, as each case was considered to depend on its particular merits. The case mentioned was *Carter Wood v. London County Council*, which case the Court (Lord Russell, C.J., Bigham and Darling, JJ.) overruled as being erroneously decided. The length of the street in this case of *Armstrong v. London County Council* was 600 ft.

London County Council v. Davis. A third important case is that of *London County Council v. Davis* (1904, 91 L. T. 555). In this case the owner formed an open space at basement level at the rear of twenty-four new shops in Whitechapel. This space was approached from the adjoining streets by means of steps, and gave access on one side to the back of the shops, and on the other side to fifty-five small one-story shops constructed under the pavement of an existing footway. The space was used as a market or bazaar, but the approaches were controlled by gates closed on Jewish sabbaths and festival days. The magistrate did not convict the owner of forming a street, as he considered the open space to constitute a market and not a street. The High Court decided, on the strength of *Armstrong v. London County Council*, and on the fact that the open space was able to be used freely by any person

who might desire, that there had been a commencement to form a street, and remitted the case to the magistrate.

Effect of these Decisions. Dealing with the requirements of the 1894 Building Act in the light of these decisions, and reading carefully the remarks of the judges in each case, it would seem that the question is very largely one of degree. On the strength of the decisions in the two last-mentioned cases, and the disagreement expressed with regard to the decision arrived at in the case of *Carter Wood v. London County Council*, the County Council officials are inclined to treat the most insignificant cases as ones of street formation. But each of the three cases here summarised had reference to big constructional operations, and it is not reasonable to assume on the strength of the decisions in such cases—indeed, the wording of the judgment in *Armstrong v. London County Council* seems quite opposed to such an assumption—that a person cannot form a passage-way or a courtyard giving access to two or three small buildings without committing the offence of commencing to form a street without consent.

457 **Proviso to Section 8.** The case of *London County Council v. Dixon* [(1899) 1 Q. B. 496] is of interest as constituting an illustration of the application of the proviso at the end of section 8, a proviso which, read with the rest of the section, seems highly contradictory and confusing. In this case of *London County Council v. Dixon*, the defendant, a builder, in erecting a shop in continuation of and in line with a row of previously erected buildings, had left a space of 40 ft. between the shop and the next terrace of houses on the same side of the street, and had erected this new shop as a corner building. The 40 ft. wide space, which was used for the passage of carts to a brickfield, did not, however, belong to the builder, and the magistrate held that he did not commence to form a street, as he had no control over the roadway. This decision was upheld by the High Court, Mr. Justice Channell remarking that in the erection of the corner building in question there seemed to have been a neutral purpose, and one other than that of forming a street.

457 **Grounds for Refusal of Plans.** Section 9 of the 1894 Building Act contains a list of cases in which the Council have power to refuse to approve the plans submitted. The importance of this section lies in the fact that in no cases other than those specified have the Council a right to refuse consent. The cases in which the Council can exercise this right may be summarised as follows :—

When the proposed street

- (1) being a carriage-traffic street, is less than 40 ft. wide, or less than any greater width which may be required under the Act ;
- (2) being a street for foot traffic only, is less than 20 ft. wide ;
- (3) having a length exceeding 60 ft., or a length greater than its width, is not open from the ground upwards at both ends ;
- (4) being outside the City, does not afford direct communication between two streets, or between two carriage-traffic streets when the proposed street is to be used for carriage traffic ;
- (5) being outside the City, is proposed to be for foot traffic only, but in

the opinion of the Council it should not be for foot traffic only, or if thus used, its formation should be subject to conditions ;

(6) being a carriage-traffic street, has a gradient steeper than 1 in 20 ;

(7) contravenes, in its formation or laying out, a by-law of the Council.

In the event of the proposed formation of a street coming within any of the above-mentioned cases, the Council have a right at any time within 2 months from the receipt of the application to refuse consent, or to sanction the application subject to conditions, but in either of these two instances the Council must give the applicant notice of their action, and state fully their reasons for the refusal or the imposition of conditions. If within the statutory 2 months the Council do not give notice of refusal, they will be held to have given their sanction. But this provision must be read together with section 174, which is to the effect that where any period for the sanction of applications under Part II. or Part V. of the Act expires on any day between the 8th August and the 14th September, both inclusive, such period will be deemed to be extended for 28 days. 505

An Applicant's Position. A person desiring to form a carriage-traffic street is in the position of being able, by making his proposal conform entirely to the arrangements specified in section 9, to render his application one which the Council cannot refuse. If, however, the street is proposed to be used for foot traffic only, it is possible, outside the City, that the Council may require the provision of a carriage-traffic street, and although such a requirement may be very unlikely in the majority of cases, this fact prevents the making of an application for a foot-traffic street outside the City in such a manner that it cannot be refused. Very often, however, both in the case of carriage-traffic and foot-traffic streets, it will be thought desirable to propose some departure from the standard requirements laid down in section 9. When there is no immediate hurry this will often be a desirable course to adopt, for if the Council refuse to consent, the only trouble which will be occasioned will be that of submitting amended plans.

Considering the standard requirements, it will be most unlikely, except in the occasional case of a carriage-drive to blocks of flats, that an application for a carriage-traffic street of a less width than 40 ft. will receive consent. In the case of foot-traffic streets the circumstances are somewhat different, and if it can be shown, in any particular instance, that the provision of a street 20 ft. wide will result in a great waste of space, it is probable that consent to a considerable reduction in the width may be obtained. In a similar manner the limiting gradient of 1 in 20 for a carriage-traffic street may possibly be allowed to be exceeded if it can be shown that the levels of the ground are such that it is very difficult to keep to this gradient in every portion of the street. The requirement as to the street being open at both ends from the ground upwards is occasionally waived.

Direct Communication between Two Streets. The standard requirement to the effect that, outside the City, a street is not to be formed which will not afford direct communication between two streets, is the most difficult of all to comply with in many cases. It of course prohibits the formation, without the consent of the Council, of a crescent-shaped road branching out

from and returning into the same street without leading in any other direction, and the Council's consent to such an arrangement is most unlikely to be forthcoming. Difficulty thus arises in laying out any comparatively small area of land which is bounded on one side only by a street and on the other sides by lands of adjoining owners. It would, however, seem to be a question of degree, for in the case of a large area, the running of streets parallel to the existing street, and other streets at right angles to these, would appear to be a compliance with the requirement as to direct communication. It is argued, I believe, that direct communication may be read to mean communication in an absolutely straight line without any turn or bend, but this seems to be an undue straining of the wording of the Act, and would render such a thoroughfare as the Kingsway-Aldwych roadway from Holborn to the Strand contrary to the standard requirements of the Act. From the case of *Woodham v. London County Council* [(1898) 1 Q. B. 863], it would appear that the question of whether or not the means of communication afforded by a street is "direct" is one of fact, with regard to which the decision of the Council, or, in the event of an appeal, that of the Tribunal of Appeal, is final.

By-laws as to New Streets. The last of the standard requirements given in section 9 is that streets are to be formed in accordance with the by-laws of the Council. By-laws as to new streets were made by the
608 Metropolitan Board of Works under the Metropolis Management Act, 1855, and, though in many respects superseded, are still in force, and provide that:—

- (1.) The carriage-way of a new street must curve or fall from the centre at the rate of not less than $\frac{3}{8}$ -in. in one foot.
- (2.) Except where crossings occur, the kerb must not be less than 4 inches nor more than 8 inches above the channel.
- (3.) The surface of an unpaved footway must have a slope towards the kerb at the rate of not less than $\frac{1}{2}$ -inch in one foot.
- (4.) The surface of a paved footway must have a slope at the rate of not less than $\frac{1}{4}$ -inch in one foot.

421 Section 6 of the Metropolis Management Amendment Act, 1890, provides that it is not lawful to form a street on land from which the soil has been excavated until a proper foundation is provided to the satisfaction of the Borough Council, or, upon appeal, to that of the County Council.

Adaptation of Ways for Streets. The adaptation of ways for use as
458 streets is dealt with in sections 10 and 11 of the 1894 Building Act. The definition of "way" was quoted in the early part of the present chapter. The requirements as to adaptation, with one important exception, are very similar to those having reference to the construction of a new street, plans, sections, and particulars being required to be submitted, and the Council's consent obtained. The exception occurs in the first standard requirement given in section 11, which differs considerably from that given in section 9. The possibility of there being existing buildings is taken into account, and it is provided that the Council may refuse to consent to the process of adaptation in cases where there are houses and buildings on one or both sides, unless there is a distance of 20 feet clear left between the centre of the roadway and the nearest external wall of the houses or buildings, or between the centre of

the roadway and any forecourt fences or walls, should such exist. The object of the standard requirement is evidently to obtain a clear width of 40 feet throughout.

There is a special requirement in section 10 to the effect that, before commencing the widening of any street or way to a less extent than the prescribed distance from the centre of the roadway, it will be necessary to give notice to the Council, and not to commence the works, except with the consent of the Council, until the expiration of 2 months from the date of such notice. The object of this requirement is by no means clear, but the cases affected by it are of comparatively rare occurrence.

Increased Width of Street. The general width of a London street is 40 ft., as already stated. But, under the provisions of section 12 of the 1894 Building Act, the Council have special powers to require increased width both in the case of the proposed formation of a new carriage-traffic street and the adaptation of a way to form a new carriage-traffic street, if such street or way is more than two miles from St. Paul's Cathedral. In such case, if the street is likely to form an important line of communication, or if there is any other sufficient reason to justify such action, the Council may make it a condition of their consent that the street shall be of a greater width than 40 ft., the maximum width able to be required being 60 ft. But this increased width of street cannot usually be obtained without payment of compensation for the land taken. Section 15 of the 1894 Act provides that where an increased width is required under section 12:—

- (a) In the case of the formation of a street for carriage traffic over land which at the commencement of the Act, or at any time within seven years previously, was occupied by buildings or a market garden; or
- (b) in the case of the adaptation or use for carriage traffic of any street or way not previously so adapted or used,

compensation for the loss or injury (if any) sustained by the owner shall be payable by the Council. If the amount of the compensation claimed is not agreed upon within two months, it may be recovered in a summary manner if it does not exceed 50*l*. When the sum claimed exceeds this amount the matter is to be settled by arbitration according to the provisions of the Lands Clauses Acts.

This requirement for increased width of street has been allowed to remain practically inoperative. During many years spent in the service of the Council, I never came across a case in which the Council had made use of their powers under the provisions of section 12 of the 1894 Building Act. It would be interesting to know the number of cases, if any, in which an increased width of street has been required, and compensation paid under the provisions of section 15 of the 1894 Building Act. Probably the provisions of the Housing and Town Planning Act, 1909, will now, for practical purposes, replace those of the Building Act which deal with increased width of streets. { 24
600

Appeal to the Tribunal. In section 19 of the 1894 Building Act it is provided that when any applicant for the sanction of the Council to the formation of a street or the adaptation of a street or way for carriage or foot-traffic is dissatisfied with the refusal or conditional grant of such sanction, he

may appeal to the Tribunal of Appeal. This section is of the highest importance, and in any case where it may appear that the Council have acted unreasonably in dealing with an application it will be well seriously to consider the desirableness of appealing to the Tribunal. The interests involved in questions of street formation are often very important and will usually justify the comparatively small expense which will be incurred in getting the Council's decision reviewed by the special body constituted under the Act for that purpose.

Paving of Private Streets. The very important subject of the paving outside the City of private streets by the local Borough Council is dealt with in the Metropolis Management Act, 1855, its amending Act of 1862, and two Acts of 1890. Reference to the paving of private streets in the City is made in Chapter 16. Section 105 of the 1855 Act provides that where "the owners of the houses forming the greater part of any new street" which is not paved to the satisfaction of the Borough Council, are desirous of having it so paved, or if the Borough Council deem it necessary or expedient that it should be so paved, then the Borough Council are to pave it and charge the owners with the expenses. The estimated expenses as determined by the surveyor to the Borough Council are to be first paid, and then, on the completion of the work, the accounts, if necessary, are to be adjusted, so that the sum paid by the owners amounts to the actual expenses. The definition of "street" as given in section 250 of the Act of 1855, and amended by section 112 of the Act of 1862, is similar to that in the 1894 Building Act, with the exception that county bridges are excluded.

This section 105 of the Act of 1855 is modified by section 77 of the Act of 1862. It is there enacted that, where a Borough Council have paved, or are about to pave, a new street, the owners of the land bounding or abutting on the street are to be liable to contribute to the expenses or estimated expenses of paving the street. It is open, however, for the Borough Council to charge the owners of land in a less proportion than the owners of house property. It is also lawful for the Borough Council, at their discretion, to accept payment of the amount apportioned or charged in respect of each house or premises by instalments spread over a period not exceeding 20 years. Section 78 of the Act of 1862 applied to the paving of old footways which had only been partly paved. This section, however, has been repealed and replaced by section 1 of the Metropolis Management Act, 1862, Amendment Act, 1890, an Act with an exceptionally cumbersome title, which provides for the paving of such footways, and the charging of the expense on the owners of the houses and the owners of the land bounding or abutting on the road or street in which the footway is situated. It is lawful for the Borough Council to charge the owners of land in a less proportion than the owners of house property.

The right of a Borough Council to repair a private street is very considerably restricted by the provisions of section 80 of the Metropolis Management Amendment Act, 1862. It is there provided that no street, not being a highway, shall be repaired until notice has been given to the owners and rated occupiers of the houses in the street. If within one month after notice has been served by the Borough Council this body receive a notice of objection

to such repair signed by at least two-thirds of the owners or rated occupiers of the houses, they will have no right to carry out the repairs. Under section 3 of the Metropolis Management Amendment Act, 1890, a Borough Council may repair any carriage road which is not a street, or any part thereof, if such road has been used for not less than six months for public traffic. Such work of repair will not prejudice or affect the rights of the Borough Council to apportion and recover the expenses of paving the road or way "if and when the same shall be paved as a new street under the Metropolis Management Acts." The expense of repairing the road may be apportioned and recovered as if it were an ordinary charge for paving a private street. 419

Question of "New Street." The liability of owners for street paving expenses is dependent on whether a street is a "new street" within the meaning of section 105 of the 1855 Act. A study of the reports of the decided cases will show that the erection of houses is an essential feature in the formation of a "new street" for the purposes of this section. Where a street repairable by the public is widened by a substantial strip on one side, it appears from *Property Exchange, Ltd. v. Wandsworth Board of Works* [(1902) 2 K. B. 61] that such strip is the new street, and that paving expenses are recoverable only from the owners of property abutting on the strip. 345 61

The Naming and Numbering of Streets throughout the county is dealt with in the London Building Act, 1894. Section 32 of the Act provides that before any name is given to a street, notice of the intended name must be given to the County Council, and that authority, within one month from the receipt of the notice, may object to the name. The Council will probably be inclined to look favourably upon a name proposed because of its association with the neighbourhood in question. Section 33 lays upon the local authority the duty of affixing the names of streets. Section 34 provides that the County Council may, by order, alter the name of an existing street, but they are required, one month before doing so, to notify the local authority, and to cause notice of their intention to be posted in the street. The Council have power to require the numbering of houses in a street, but the enforcement of this requirement rests with the local authority, who are furnished with a copy of the Council's order, the Council being empowered to act only in cases of default on the part of the local authority. 464 627

Widening of Streets throughout the county, either by agreement or compulsorily, is effected by the local authorities under Michael Angelo Taylor's Act. Under this Act they can take a portion only of any land, and it was held in the case of *Gordon and Others v. Vestry of St. Mary Abbot, Kensington* [(1894) 2 Q. B. 742], that a local authority could take a portion only of a house provided that the identity of the house was not thereby destroyed. On the other hand, it appears from the case of *Aldis v. Corporation of the City of London* [(1899) 2 Ch. 169] that a local authority cannot compulsorily take the whole of a house, if it is not all required for street widening purposes, and if the owner can still put to the original use the portion of the house not thus required. References to other cases on this subject are given on page 61. 308

The Removal of Obstructions in Streets may be effected by Borough Councils under section 199 of the 1894 Building Act, this power having been 509

transferred from the County Council to the Borough Councils by the London
537 Government Act, 1899.

307 **The Closing of Highways** is dealt with in section 79 of Michael
316 Angelo Taylor's Act, and in sections 84 to 92 of the Highways Act, 1835.
As the stopping up or diverting of a highway is a rather exceptional occurrence,
no summary of the slightly involved provisions of the two Acts is attempted.
Reference must be made to the text of the requirements in the second portion
of this volume. Since, however, outside the City, there is apparently the
318 option of proceeding under either statute, the two Acts may be compared from
this standpoint. It will be seen that the provisions of Michael Angelo Taylor's
Act apply only to "courts, alleys, and places," while the provisions of the
Highways Act, 1835, apply to "any highway." On the other hand, in the
case of the first Act, the machinery of the law may apparently be set in
motion by any interested person, and the jurisdiction lies in the first instance
with Special Sessions, whereas, in the case of the second Act, the local
authority must be induced to take action, and the matter is determined at
Quarter Sessions.

Town Planning Schemes.

600 **Effect of the Housing and Town Planning Act, 1909.** The town
planning provisions of this Act will possibly in course of time materially
affect the question of street formation in London. It is to be noted that a
local authority, which, as regards the town planning provisions, means in the
metropolis the County Council, may prepare a town planning scheme with
reference to any land in their area, or they may adopt a scheme proposed by
private owners. It would thus appear that schemes may be prepared and
approved for different areas in the County. It should be noted that the existence
or otherwise of a town planning scheme may affect the width and construction of
601 the streets. Section 55 of the Housing and Town Planning Act, 1909, provides
that special provisions are to be inserted in every town planning scheme,
defining the area to which the scheme applies, and also, among other things,
"suspending, so far as necessary for the proper carrying out of the scheme,
any statutory enactments, by-laws, regulations, or other provisions, under
whatever authority made, which are in operation in the area included in the
scheme." Thus, in the future, the provisions of the 1894 Building Act may be
in some respects suspended in districts where town planning schemes are
approved. It should be noted that no scheme can come into effect until it
has been approved by the Local Government Board. Regulations dealing
with the procedure to be observed in the formulation of town planning schemes
have been issued by the Board, and may be obtained from any law stationer.

603 **Compensation.** Section 58 provides that any person whose property is
injuriously affected by the making of a town planning scheme is entitled to
claim compensation from the responsible authority if he makes a claim within
the time (if any) limited by the scheme, not being less than 3 months after
the date of publication of the approval of the scheme. Compensation is not
to be payable on account of a building erected on land included within a

scheme, if the erection of such building was commenced after the date upon which application was made to the Local Government Board for the approval of the scheme. It is specially provided by section 59 that property shall not

ERRATUM.

Page 25, lines 2 and 3 from top, for "the approval of the scheme" read "leave to prepare a scheme."

Sewerage.

Existing Sewers. Main sewers throughout the whole of London, including the City, are vested in and under the management of the County Council. Subsidiary sewers are vested in the Borough Councils, and, in the City, the City Corporation. Schedule (D) of the Metropolis Management Act, 1855, contains a list of the main sewers at the time of the passing of the Act. Under the provisions of section 137 of the Act of 1855, the County Council have power by an order under seal to declare a sewer to be a main sewer if it is considered that such a sewer should be treated as a main sewer.

Construction of Sewers. The County Council have power under section 135 of the 1855 Act to make such sewers and works as they may think necessary. The construction of sewers outside the City, other than main sewers formed by the County Council, is controlled by the Act of 1862. Subsidiary sewers in the City are dealt with in the special City Acts. It is provided in section 45 of the 1862 Act that when a Borough Council desire to construct a sewer they must, before commencing any works for that purpose, submit plans and sections to the County Council. No work is to be proceeded with without the approval or contrary to the directions of the County Council. Three clear days' notice must be given to the County Council by the Borough Council before they connect a sewer or drain with a main sewer. Section 47 of the same Act provides that when any person or body other than a Borough Council desires to construct a sewer connecting either with a sewer vested in the County Council or a sewer vested in the Borough Council, an application, accompanied by a plan and section of the sewer, must be made to the Borough Council and their consent obtained. Before, however, a Borough Council can

24 STREETS, SEWERAGE AND FLOOD PREVENTION

transferred from the County Council to the Borough Councils by the London
537 Government Act, 1899.

307 **The Closing of Highways** is dealt with in section 79 of Michael

316 Angelo Taylor's Act, and in sections 84 to 92 of the Highways Act, 1959.

As the stopping up or diverting of a highway is a summary offence, no summary proceedings can be taken against a person who does so.

no summary proceedings can be taken against a person who does so.

...materially ... London. It is to be noted that a ... as regards the town planning provisions, means in the metropolis the County Council, may prepare a town planning scheme with reference to any land in their area, or they may adopt a scheme proposed by private owners. It would thus appear that schemes may be prepared and approved for different areas in the County. It should be noted that the existence or otherwise of a town planning scheme may affect the width and construction of the streets. Section 55 of the Housing and Town Planning Act, 1909, provides that special provisions are to be inserted in every town planning scheme, defining the area to which the scheme applies, and also, among other things, "suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, by-laws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme." Thus, in the future, the provisions of the 1894 Building Act may be in some respects suspended in districts where town planning schemes are approved. It should be noted that no scheme can come into effect until it has been approved by the Local Government Board. Regulations dealing with the procedure to be observed in the formulation of town planning schemes have been issued by the Board, and may be obtained from any law stationer.

603 **Compensation.** Section 58 provides that any person whose property is injuriously affected by the making of a town planning scheme is entitled to claim compensation from the responsible authority if he makes a claim within the time (if any) limited by the scheme, not being less than 3 months after the date of publication of the approval of the scheme. Compensation is not to be payable on account of a building erected on land included within a

scheme, if the erection of such building was commenced after the date upon which application was made to the Local Government Board for the approval of the scheme. It is specially provided by section 59 that property shall not be deemed to be injuriously affected by any provisions inserted in a town planning scheme which, with a view of securing the amenity of the area included in the scheme, prescribe the space about buildings, or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

Increase in Value. Section 58, in addition to dealing with compensation, provides that where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they claim within the time (if any) limited by the scheme, not being less than 3 months after the date when the approval of the scheme is first published, may recover one half the amount of the increase.

Determination of Disputes. It is provided that any question as to whether any property is injuriously affected or increased in value within the meaning of section 58, and as to the amount or manner of any payment, is to be determined by a single arbitrator appointed by the Local Government Board, unless the parties agree on some other method of determination. 603

Sewerage.

Existing Sewers. Main sewers throughout the whole of London, including the City, are vested in and under the management of the County Council. Subsidiary sewers are vested in the Borough Councils, and, in the City, the City Corporation. Schedule (D) of the Metropolis Management Act, 1855, contains a list of the main sewers at the time of the passing of the Act. Under the provisions of section 137 of the Act of 1855, the County Council have power by an order under seal to declare a sewer to be a main sewer if it is considered that such a sewer should be treated as a main sewer. 338 320 356 349

Construction of Sewers. The County Council have power under section 135 of the 1855 Act to make such sewers and works as they may think necessary. The construction of sewers outside the City, other than main sewers formed by the County Council, is controlled by the Act of 1862. Subsidiary sewers in the City are dealt with in the special City Acts. It is provided in section 45 of the 1862 Act that when a Borough Council desire to construct a sewer they must, before commencing any works for that purpose, submit plans and sections to the County Council. No work is to be proceeded with without the approval or contrary to the directions of the County Council. Three clear days' notice must be given to the County Council by the Borough Council before they connect a sewer or drain with a main sewer. Section 47 of the same Act provides that when any person or body other than a Borough Council desires to construct a sewer connecting either with a sewer vested in the County Council or a sewer vested in the Borough Council, an application, accompanied by a plan and section of the sewer, must be made to the Borough Council and their consent obtained. Before, however, a Borough Council can 349 205 365

sanction a new sewer they are required by section 48 to submit the plan and section to the County Council for their approval, which must be obtained before consent is given. Where it is desired to alter or extend a design for a sewer which has been approved by the County Council, or where it is proposed to abandon a portion of the scheme, the Borough Council are required by section 50 to notify the County Council, and no person is allowed thus to modify any approved scheme without the consent of the Borough Council. Where any consent is not acted upon within twelve calendar months, a fresh
 420 consent must be obtained. The Metropolis Management Amendment Act, 1890, prescribes penalties for the making of sewers or connections thereto without consent. By-laws, made by the County Council under the Act of 1855,
 690 specify the manner in which applications in respect of sewers are to be made.

Expense of Constructing Sewers. Where any sewer is constructed by a Borough Council, in or for the drainage of any new street, or of any house or houses erected since the 1st January, 1856, it is provided by section 52 of
 366 the Act of 1862 that the expense of constructing the sewer is to be borne by the owners of the street or houses, and of the land bounding or abutting on the street. The expenses are to be apportioned by the Borough Council "in such proportions as they may deem just." The amounts charged are to be payable either before the commencement of the works, during their progress, or after their completion, whichever the Borough Council shall direct, and the amount is to be paid either in a lump sum or by instalments over a period not exceeding 20 years, to be fixed by the Borough Council.

Section 53 of the Act of 1862 provides that where a Borough Council shall construct a sewer in a street where there was previously no sewer or only an open sewer, but where sewer rates have been levied, the cost is to be defrayed in part by the owners of the houses situated in, and of the land bounding and abutting on, such street, and part by the Borough Council, the proportions being determined by the Borough Council. The amounts payable by private owners are subject to similar requirements as to time and manner of payment as those stated in the previous paragraph in connection with the sewerage of streets under section 52. It is provided in section 54 that, in dealing with expenses recoverable under sections 52 and 53, it is open to a Borough Council to charge owners of land in a less proportion than owners of house property.

367 Section 56 states that it is lawful for the Borough Council to defray "any portion of the expenses of and incident to the construction of sewers under the provisions contained in the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties." The sections to which reference is thus made are evidently sections 52 and 53,¹ the subject-matter of which, as may be seen from the preceding summary, is clearly that of the "construction of sewers wholly or partly at the cost of private parties." Having regard to provisions of section 57, where similar

¹ It is to be noted that Messrs. Tagg and Glenister in their book "London Laws and Bye-laws," refer the reader (in a footnote to section 56) to sections 47 and 48. But this is an evident slip in cross-referencing.

references occur, it is evident that the proper identification of these two sections is a matter of very considerable importance.

Appeal. Section 57 provides that any person who may deem himself aggrieved by any order or resolution of any Borough Council "in relation to the expenses of constructing works under the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, or the apportionment of such expenses" is able to appeal to the County Council, subject to the directions and provisions contained in section 211 of the Metropolis Management Act, 1855, and section 29 of the Act of 1862. It will be seen, from section 211 of the 1855 Act, that there is a similar right of appeal to the County Council in the event of a Borough Council refusing to approve an application for the construction of a sewer.

Encroachments on Sewers. Section 68 of the Act of 1862 prohibits the erection or placing of any building, wall, bridge, fence, obstruction, annoyance or encroachment, in, upon, over or under any sewer without the consent of the authority in which the sewer is vested. This extends section 204 of the 1855 Act, which applies to buildings only. Circumstances not infrequently necessitate the obtaining of permission to erect a building over a sewer. Where an application is proposed to be made, it will of course be necessary to ascertain whether the sewer is a subsidiary or a main sewer. If the former, the application for consent must be made to the Borough Council. If the latter, the County Council should be approached. The Act of 1862 contains several other less important provisions with regard to sewers, but as the text of the Act is given in the second portion of this volume, reference to such provisions is not here deemed necessary.

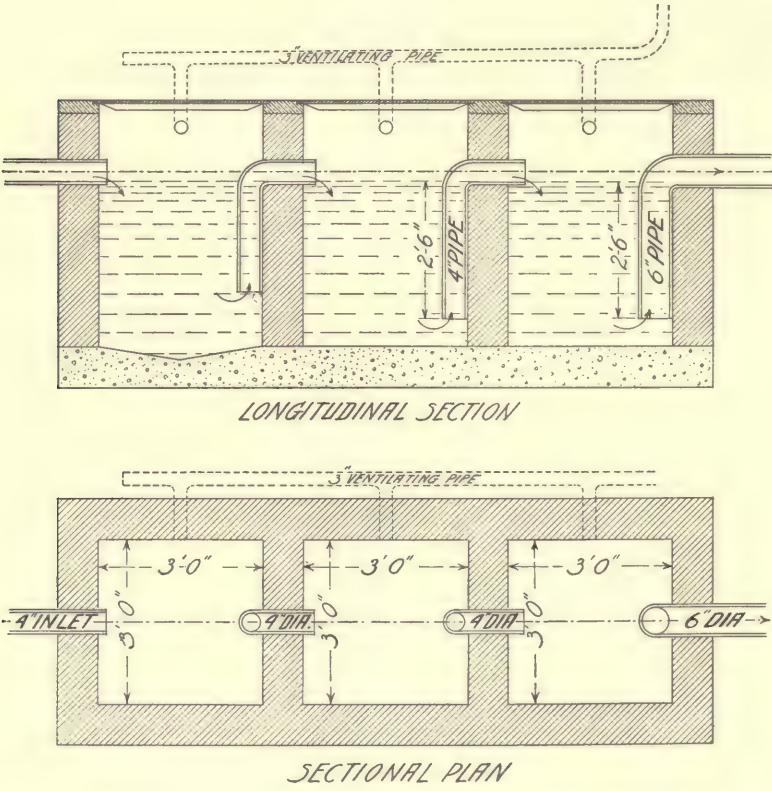
Protection of Sewers. Part IV. of the London County Council (General Powers) Act, 1894, contains very important provisions prohibiting the discharge of solid matter and injurious liquid into sewers. These provisions affect all sewers communicating with main sewers, and thus apply throughout the County. Section 8 of the Act prohibits the placing of any solid matter, mud or refuse, except such as is contained in ordinary house sewage, into a sewer of the Council or into any sewer or drain, dock or inlet communicating with any sewer of the Council. Section 9 prohibits the discharge of offensive liquid refuse into a sewer, or into a drain communicating therewith. The refuse which comes under such prohibition is:—

"(a) any chemical or manufacturing or trade or other refuse (not being solid matter or refuse to which the preceding section applies);

"(b) any waste steam, condensing water, heated water or other liquid (such water or other liquid being of a higher temperature than 110° Fahrenheit),

"which either alone, or in combination with other matter or liquid in a sewer, may cause a nuisance, or involve danger or risk of injury to the health of persons entering the sewers, or be injurious to the structure or materials of the sewers or works of the Council." This requirement affects a very large number of trade premises and renders necessary the special treatment of the waste liquid from such premises. Motor garages are a well-known instance of the applicability of this prohibitive section. In the construction of such

620 buildings it will be necessary to provide a petrol interceptor in connection with the surface water drainage. This consists of a tank or tanks so arranged that the petrol floats on the top of the water and evaporates, the gas being carried off through a ventilating shaft. The Public Control Department of the County Council issue a leaflet containing an illustration of a three-tank interceptor. This illustration, by the courtesy of the authorities, I here reproduce.



In large garages an interceptor consisting of three tanks is required, but in ordinary cases two tanks will usually be sufficient, and in some cases a single tank may be accepted. In a case of this nature it appears to be necessary to obtain the approval of the County Council to the petrol interceptor as such, and also the approval of the sanitary authority to the arrangement proposed as being part of the ordinary drainage scheme.

526 **Special Order of Council.** The provisions, both of sections 8 and 9, may be enforced by the Council by the obtaining of a police court conviction as each particular case occurs. It is, however, further provided in section 10 that where, in the opinion of the Council, the introduction of an offensive liquid into a sewer, either directly or by means of a drain or channel, will involve danger, injury, or risk, of the kind referred to in section 9, the Council may by order prohibit the introduction of such offensive liquid. A copy of the order is to be served on any person considered to be contravening the Act, and

if this person disputes the reasonableness of the order he may appeal to the Local Government Board to appoint a referee. Such referee will then determine whether the order is to be enforced without alteration, or whether it is to be enforced with modifications or conditions, or whether it is not to be enforced at all. An order with reference to petroleum has been made by the Council under section 10. 620

Flood Prevention.

Execution of Works. Practical interest in the question of flood prevention being necessarily confined to the districts bordering on the Thames and its tributaries, the subject will not receive very detailed treatment. Persons who desire to become thoroughly well acquainted with the law in relation to the construction of flood works are referred to the text of the two Acts governing this subject. These are the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879, and the London County Council (General Powers) Act, 1907, of which Part VI. deals with flood prevention. After giving a list of definitions, the Act of 1879 provides in section 5 that the execution of all flood works must be in accordance with plans prepared or approved by the County Council. Section 6 specifies the persons who are liable for the execution of such flood works as may from time to time be required by the Council. These are the City Corporation and the Borough Councils, in respect of works executed upon any premises subject to their control, and in all other cases the owner of the premises. The immediately following sections deal with the rights of the County Council to require the execution of flood works, either of a permanent or a temporary character, and in cases of default to do the works themselves and recover expenses. Section 15 gives the County Council power to acquire lands compulsorily where such are required to enable necessary flood works to be executed. Where land has been thus acquired the Council may authorise a local authority or owner of property to execute flood works on such land. Sections 16 and 19 provide that no works may be constructed in or upon the bed or shore of the Thames or the Lea, except under a licence granted by, respectively, the Thames Conservancy Board and Lea Conservancy Board. Special provisions apply with regard to dock companies. 402 572 405 406

Height of Flood Walls. The question of the height to which protective works are required to be carried is naturally of much practical importance. On the 28th January, 1881, the Metropolitan Board of Works resolved that plans for works to be executed under the Act of 1879 should show all walls for flood protection purposes to be carried up to a height of 5 ft. 6 ins. above Trinity high-water mark. This rule is still enforced. Trinity high-water mark being 12 ft. 6 ins. above ordnance datum, the height above ordnance datum to which flood walls are required to be carried is 18 ft.

Maintenance of Banks. Section 22 of the Act of 1879 provides that the bodies and persons liable to execute flood works are to maintain and repair the banks in accordance with plans and specifications approved by the Council. Section 24 provides that whenever it is made known to the Council that any bank

within the county is "out of repair, dangerous, or insufficient for the effectual protection of any premises within the limits of this Act from floods or inundations caused by the overflow of the river Thames," the Council are to require a survey to be made, and a certificate issued, by the district surveyor or some other competent surveyor. If the certificate of the surveyor is to the effect that the bank is out of repair, dangerous, or insufficient for the protection of the premises, the Council must serve a notice on the responsible person. This notice is to specify the works required, and is to be accompanied by a plan. In cases of default the Council may do the work and recover expenses.

408 **Compensation.** Section 25 provides that any person or body requiring compensation for damage caused by the execution of flood works, or in respect of any lands or any interest in lands taken or injuriously affected by the execution of flood works, may claim compensation from the Council. If an agreement cannot be come to in respect of the claim, the matter is to be determined by the standing arbitrator appointed under the Act. The conduct
410 of the proceedings before the standing arbitrator is specified in the Act, and the decision of the arbitrator in respect of a claim is final.

Submission of Plans to Council. The provisions of the Act of 1879 are strengthened and extended by those of Part VI. of the London County Council (General Powers) Act, 1907. It is provided in section 41 of this latter
572 Act that a person proposing to execute flood works must, one month before commencing to execute such works, give notice to the County Council. He is required at the same time, unless the Council otherwise allow, to submit plans and specifications of the intended work for the Council's approval under
403 section 5 of the Act of 1879. Section 44 of the Act of 1907 gives the Council
573 power to require, in any case in which they deem it necessary, the provision of a temporary dam of an approved description before any proposed flood works are commenced.

CHAPTER 4

DRAINS AND SANITARY FITTINGS

General Provisions.

Administrative Authorities. Reference in Chapter 1 has been made to the fact that the administrative authorities with regard to drainage matters are the Metropolitan Borough Councils, and, in the City, the City Corporation. The jurisdiction of the district surveyor does not directly extend to operations of drainage and sanitation, although I believe it is by no means unusual for district surveyors, in cases where such works are in progress to an existing building, to require the service of a building notice under the provisions of section 145 of the 1894 Building Act. This section, however, must be read in conjunction with section 209 of the same Act, in which works "of necessary repair not affecting the construction of any external or party wall" are excluded from the works which are stated to be subject to the provisions of the Act. Therefore, in considering whether the execution of any particular drainage or similar work legally involves the submission of a building notice to the district surveyor, it would appear to be necessary to note whether the work affects the construction of any external or party wall. In the case of the erection of a new building the question does not arise, for notice is, of course, served in respect of the building.

Special Position of the City. The City of London occupies an entirely separate position as regards questions of drainage and the provision of sanitary fittings. Different by-laws apply to those in force in the rest of London, although in not a few points of detail the requirements are exactly the same. The by-laws which apply in the City will be specially dealt with in Chapter 16, which is devoted entirely to the building law in the City, and all references to by-laws in this present chapter must be understood to be with regard to the by-laws of the London County Council which apply practically throughout the whole of the county except the City. All the drainage requirements will not, however, be found in the by-laws, for there are also some important provisions in the text of the Metropolis Management Acts and Public Health (London) Act, 1891.

Special Position of Inns of Court. The general provisions of the Metropolis Management Acts and by-laws do not apply in the districts specified in Schedule (C) of the Metropolis Management Act, 1855. Such districts consist principally of those of the Inns of Court. The Public Health (London) Act, 1891, and the by-laws made thereunder, are administered in the Inner and Middle Temples by the overseers of such places. In the other

districts specified in Schedule (C) the Borough Councils are the administrative authorities, by virtue in the cases of Gray's Inn and Lincoln's Inn of their powers as overseers, and by virtue in the remaining cases of powers conferred on them by the Holborn, Finsbury, and Westminster (Sanitary Authorities) Scheme, 1900.

Compulsory Drainage. Under section 73 of the Metropolis Management Act, 1855, the local Borough Council have power, in the case of a building not drained to a sewer, to require the provision of a drain if there is a sewer within 100 ft. of any part of the building and at a lower level than such building.

Connecting Drain with Sewer. Persons intending to connect a drain with a sewer vested either in the County Council or the Borough Council are required by sections 49 and 61 of the Metropolis Management Amendment Act, 1862, to submit a plan and section to the County Council or Borough Council, as the case may be, and to obtain the approval in writing of the authority in which the sewer is vested, before the work is commenced. If this procedure is not complied with and the connection to the sewer is made without consent, or a plan which has been approved is not adhered to, the County Council or the Borough Council, as the case may be, have power under the provisions of sections 4 and 5 of the Metropolis Management Amendment Act, 1890, to require the reconstruction of the drain, or in default the authorities may themselves execute the work and recover expenses. In the ordinary case of a connection to a sewer vested in a Borough Council, it appears that the requirements of the Act of 1862 are in effect superseded by those of the by-laws made under the Metropolis Management Acts Amendment Act, 1899, which require the submission of full drainage plans to the Borough Council.

Definitions of Drain and Sewer. Everyone knows what a great deal of litigation has taken place between local authorities and private owners with regard to the question of "drain or sewer." London has been no exception to the general rule, although the law in London is different from that in the rest of the country, in spite of there being some similarity in the respective definitions of the terms. The definition of "drain" in section 250 of the Metropolis Management Act, 1855, is as follows:—"The word drain shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board." The words in black type, an emphasis, of course, not made in the Act, indicate the chief difference in the law in the metropolis as compared with that in the provinces. The definition of sewer is:—"The word sewer shall mean and include sewers and drains of every description, except drains to which the word 'drain,' interpreted as aforesaid, applies."

The definition of "drain" is extended and that of "sewer" consequently restricted by section 112 of the Metropolis Management Amendment Act, 1862, which provides that the word "drain" shall be deemed to include the

subject-matters specified in section 250 of the 1855 Act, "and also any drain for draining a group or block of houses by a combined operation, laid or constructed before the first day of January, 1856, pursuant to the order or direction or with the sanction or approval of the Metropolitan Commissioners of Sewers." As the Metropolitan Commissioners of Sewers were not created until 1848, and were abolished by the Act of 1855, this amendment of the ordinary definition of drain has reference only to drains constructed during the intervening period of about seven years. 355

Sanction of Combined Drainage. The section which directly gives the vestry or local board, now the local Borough Council, the right to approve combined drainage is section 74 of the Metropolis Management Act, 1855. This provides that, where it appears to the vestry or board that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, may be drained and improved more economically or advantageously in combination than separately, and a sufficient sewer exists or is about to be constructed within 100 ft., it is lawful for the vestry or board to order the group or block of houses to be drained and improved by a combined operation. Section 74 has apparently reference only to existing buildings, but it was held by the Court of Appeal in *Bateman v. Poplar District Board of Works* (1886, 33 Ch. D. 360) that as the local bodies could order combined drainage immediately the buildings were erected, they were able to sanction it under section 76 of the Act before buildings were erected. 340

Question of Drain or Sewer. In considering whether any particular pipe constitutes a drain or a sewer it is necessary to determine first of all whether it is a "drain of and used for the drainage of one building only, or premises within the same curtilage," and, if the answer to this is in the negative, then to find out whether or not it is a drain for draining a group or block of houses by a combined operation under an order of a vestry or district board, or, if constructed prior to 1856, under the order or sanction of the Metropolitan Commissioners of Sewers. If it comes under neither of these headings, it will apparently come within the definition of "sewer." 356

Scope of the Term "Curtilage." Several cases have been contested on the meaning of the expression "premises within the same curtilage." The most important of these cases are *Vestry of St. Martin-in-the-Fields v. Bird* [(1895) 1 Q. B. 428] and *Pilbrow v. Vestry of St. Leonard, Shoreditch* [(1895) 1 Q. B. 433]. In the first case the question at issue was the character of a line of pipe receiving the drainage of the Lowther Arcade. This arcade consisted of a central passage with a number of houses and shops on either side, the whole being roofed over and able to be closed by gates at either end, there being no public right of way. The line of pipe in question ran down the centre passage, and received the drainage from the houses on either side. It was contended by the Vestry that the line of pipe was a drain, but the Court of Appeal found that it was not a drain but a public sewer. Lord Esher in giving judgment said: "As a matter of common sense it is impossible to say that the Lowther Arcade, which, as described in the case, consists of a number of separate houses let to different people, with an open space or passage running between the two rows of houses, is either one 374

building, or can properly be called premises within the same curtilage. If there is any curtilage at all it must be the passage and that only, and the houses of the arcade are not within the passage, but at its side." The line of pipe was therefore held to be a sewer.

In the case of *Pillbrow v. Vestry of St. Leonard, Shoreditch*, the premises consisted of two blocks of tenement buildings, belonging to the same owner, separated by a yard, or causeway as it is termed in the case, 20 ft. wide, one end of which was closed by a wall and the other end by railings in which was an opening into a public thoroughfare. The premises were arranged and constructed so as to be enclosed by a continuous boundary wall with the exception of the length of 20 ft. where the railings occurred, and they were drained into a length of pipe running under the yard and communicating with the sewer. It was held by a majority of the Court of Appeal that the blocks of buildings and the yard were one set of premises within the same curtilage, and that the length of pipe was a drain repairable by the owner of the premises. The comparatively small size of the site appears to have greatly influenced the decision. Lord Esher in giving judgment said: "I think that the facts as they appeared before the Divisional Court show that, as a matter of building, the scheme of the owner, by whom these premises were built, was that a certain defined space should be used for building these blocks of buildings as they were built, and making this causeway between them, for the purpose of their being all one set of premises, in the centre of which should be this causeway for use as a yard for the whole set of premises. The fact that the space so employed was not large is a matter to be taken into account; because, if a very large number of buildings were built round a large open space, as in the case of a 'square,' no one could say that such a 'square' was a space of ground which could within the meaning of the Act be one curtilage. The comparatively small extent of this piece of ground appears to me to be an essential consideration."

Although every case is naturally governed by its particular circumstances, these two cases are very useful as illustrations of the general meaning of the expression "premises within the same curtilage."

340 **"Order" of Local Authority.** The Courts have given a somewhat wide interpretation to the expression "order" as occurring in section 74. In *Bateman v. Poplar District Board of Works* (1886, 33 Ch. D. 360), the production of a book containing the signature of the chairman of the board of works approving a proposed scheme of drainage, was held by the Court to be evidence of the existence of an order. In *Geen v. Vestry of St. Mary, Newington* [(1898) 2 Q. B. 1], the plan-book from the office of the vestry surveyor, which contained the plan of the drainage in question, was produced. It was held that the deposit of the plan and the existence on the plan of a note, initialled by the surveyor, stating that the work had been satisfactorily executed, was evidence that the plan had received the requisite sanction and that the vestry had allowed a combined system of drainage. In *Greater London Property Company v. Foot* [(1899) 1 Q. B. 972], the local register of applications for combined drainage contained a plan signed by the surveyor showing a system

of combined drainage. Upon evidence being given that it was the practice of the vestry to treat a plan signed by the surveyor as having been approved by the vestry, it was held that there had been an order. An illustration, however, of the fact that powers cannot be directly delegated is given in the case of *High v. Billings* (1903, 67 J. P. 388), where the plan of the drainage in question for which application was made in 1868, was signed by the surveyor to the Hackney District Board of Works as being approved. There was in existence a resolution of the Board, carried in 1859, authorising the surveyor to grant applications where no special points were involved, but the Court held that there was no order as the Board had no authority to delegate its powers.

Result of Non-existence of Order. If a length of pipe in any part of the original metropolis outside the City receives the drainage of two or more separate houses, and the Borough Council, upon whom the onus of proof lies, are unable to prove that an order for combined drainage has been made, the length of pipe will be a sewer repairable by the Borough Council. So much has been said and written about the difficulty of determining what is a drain and what is a sewer, that persons are liable to forget that it is chiefly the extra-metropolitan law which is the occasion of confusion; the law in London, read in conjunction with the decided cases, is much less complex. It is only in those portions of the districts of Stoke Newington and Tooting which were originally outside the metropolis that there appears to be any great uncertainty as to the operation of the law.

Unauthorised Connection to Drain. Several cases have established the rule that a connection of one drain with another without the consent of the local authority renders the pipe beyond the point of junction a sewer repairable by the Borough Council. In the case of *Kershaw v. Taylor* [(1895) 2 Q. B. 471], where plans had been approved which showed houses to be drained in pairs, and the builder had joined the drains of two pairs of houses, it was held by the Court of Appeal that the pipe receiving the discharge from such drains was a sewer. This has been treated as a governing decision by the High Court in several cases. It is immaterial whether a drain affected by an unauthorised connection conveys sewage or merely rain-water. In *Silles v. Fulham Borough Council* [(1903) 1 K. B. 829], it was held that a line of pipe conveying rain-water from the roofs of two houses was a sewer vested in the local authority.

A person who desires to become thoroughly well acquainted with all the detailed points of the law with regard to sewers and drains in the metropolis, is advised to study the reports of the law cases for which references are given at the end of the present division of this volume.

Special Woolwich Act. As the parish of Woolwich was outside the general scope of the Metropolis Management Acts until 1900, the law with regard to the character of sewers and drains constructed before that date is different in the parish of Woolwich from that in the rest of London. The question, however, is not, as it might well be, one of difficulty, as the law is now contained in section 21 of the Woolwich Borough Council Act, 1905, where it is very clearly stated. It is there provided that, in the parish of Woolwich,

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the word "drain" includes any drain constructed before the 1st November, 1900, and draining any group or block of houses by a combined operation, and that the word "sewer" as defined by section 250 of the Metropolis Management Act, 1855, does not mean or include such drain.

Level of Lowest Floor. Section 75 of the Act of 1855 provides that it is not lawful to erect a new building or to rebuild a house which has been pulled down to or below the ground floor, unless a proper drain is provided, which is available for the drainage of the several floors of the building, including the lowest floor. Section 76 provides that the foundation of every building is to be laid at such a level as will permit the drainage of the building to be carried out in compliance with the Act. These two sections, read together, are generally considered to require that the drainage of the lower floor shall be by gravitation. On this basis the construction of a basement at such a level as to necessitate the lifting of the sewage by machinery will be a contravention of the Act. Arrangements whereby proper drainage can be obtained only by lifting the sewage have, I believe, been occasionally sanctioned by different Borough Councils. But consent to proposals of this nature is often refused by the local authority. It is not very easy to see why the lifting of sewage, which is such a common feature in modern sewerage schemes, should be objectionable when carried out within a building, if the best modern appliances are provided.

Inspection of Drains and Water Closets, Etc. Sections 82 to 86 of the Metropolis Management Act, 1855, deal with the right of the local Borough Council to inspect existing drains. The Borough Council have power, after 24 hours' notice has been given to the occupier, to enter any premises and open up the ground for the purpose of inspecting the drainage. If any drain is found upon inspection not to have been made according to the requirements of the Borough Council, or the provisions of the Act, it must be put right within 14 days from the receipt of a notice from the Borough Council to this effect. If, however, the drainage is found to be in good order and condition, the Borough Council must cause all work disturbed to be reinstated, and must pay full compensation for any damage done. Very similar requirements are contained in sections 40 and 41 of the Public Health (London) Act, 1891, as regards the inspection of water closets, earth closets, privies, ashpits and cesspools, by the local sanitary authority. There is the right of appeal to the County Council against any notice or act of a sanitary authority under section 41, and the decision of the Council is final.

Right of Appeal. A most important right of appeal exists as regards many provisions of the Metropolis Management Act, 1855. It is provided in section 211—that any person who deems himself aggrieved by any order of a Borough Council in relation to the level of any building, or any order or act of a Borough Council in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, or drain, may appeal to the County Council. The appeal must be lodged within 7 days after notice of the order has been given to the occupier of the premises, or after the act of the Borough Council against which the appeal is made. It has been previously

pointed out that the term Borough Council must be taken to include the Westminster City Council. It will be seen that, as appeal may be made in respect of any act or order with regard to numerous subjects, the right of appeal is of a very comprehensive character. 3

Regulations as to Water Closets, Etc. Section 37 of the Public Health (London) Act, 1891, provides that it is unlawful to erect a new house, or to re-erect an existing house which has been pulled down to or below the ground floor, without providing a movable ashpit and one or more water closets. Under this section the sanitary authority have power in the case of existing buildings not thus furnished, to require by notice the provision of an ashpit or water closet. It is provided, however, that, where sewerage or water supply sufficient for a water closet is not reasonably available, the requirements will be met by the provision of a privy or earth closet. The sanitary authority may also permit the use in common, by the inmates of two or more houses, of water closets thus used before the commencement of the Act. There is the right of appeal to the County Council under this section, and the decision of the Council is final. In any case where a movable ashpit is provided, the sanitary authority have power, under section 23 of the 1904 General Powers Act, to require any existing fixed ashpit to be removed. 434 705 558

Sanitary Conveniences in Factories, Etc. Section 38 of the Public Health (London) Act, 1891, deals with the provision of sanitary accommodation in factories and other similar buildings, and concerns both new and existing buildings. The section provides that every factory, workshop, and workplace, whether erected before or after the passing of the Act, must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the building. Where both sexes are employed, separate accommodation must be provided for each sex. In any case where the sanitary authority consider that this section is not complied with, they may by notice require the owner or occupier of the factory, workshop, or workplace to make any alterations and additions necessary to secure compliance. Apparently the extent of the sanitary accommodation required is left to the discretion of the sanitary authority on the assumption that such authority will act in a reasonable manner. In some districts the requirements contained in the Sanitary Accommodation Order of the 4th February, 1903, of the Home Office, are taken as a basis, although this order has no direct application in London. The accommodation there specified is one sanitary convenience for every 25 females in all cases, and one for every 25 males for the first 100 males employed. If there is sufficient urinal accommodation, sanitary conveniences may be provided for all above the first 100 males in proportion of 1 to 40 males. Where there are over 500 males, and sufficient urinal accommodation is provided, and supervised, a proportion of 1 to 60 is allowed as regards the whole number of those employed. 435

Sanitary Conveniences used by Public. Section 45 of the Public Health (London) Act, 1891, provides that no public sanitary convenience accessible from a street may be erected without the consent of the sanitary authority. 437

Drainage of Pools, Ditches, Etc. It is provided in section 43 of 437

the Act that every sanitary authority may by notice require the draining of any pond, pool, or open ditch on any premises, and are authorised, where they think fit, to defray all or any portion of the expenses. Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to the construction, covering, filling up, or other alteration of any drain, may appeal to the County Council whose decision is final. As regards appeals to the County Council under the Act, section 126 provides that they are to be conducted in a similar manner to appeals under the Metropolis Management Act, 1855.

Application of Public Health Act to the City. Although the by-laws made under the Public Health (London) Act, 1891, do not extend to the City, the Act itself applies in that area. There are, however, certain modifications in the application of the Act, one of which is that there is no right of appeal from the City Corporation to the County Council.

Dwelling-houses on Low-lying Land. Part XI. of the London Building Act, 1894, regulates the erection of dwelling-houses on low-lying land. Section 122 provides that, except with the consent of the Council, it is not lawful to erect a new dwelling-house, or to adapt an existing building for use as a dwelling-house, on land which is below the level of Trinity high-water mark and which cannot be drained by gravitation into an existing sewer of the Council. Trinity high-water mark is 12 ft. 6 ins. above Ordnance datum. There are considerable areas of low-lying land in London, these being principally situated in those parts of Woolwich, Greenwich, Poplar, Bermondsey, Southwark, Battersea and Fulham which are in the vicinity of the Thames, but the areas in which drainage by gravitation is not possible are comparatively small. Any person desiring to erect a dwelling-house on low-lying land, in a position where drainage by gravitation to a sewer is not possible, must make application to the Council for a licence. Regulations as to the making of applications under this Part of the Act have been made by the Council. These are given in the second portion of this volume. Applications of this kind are dealt with by the chief engineer to the Council, and are required to be addressed to the clerk to the Council, and not, as in most other cases, to the superintending architect. Any person whose application under this section is refused, or who is dissatisfied with any requirement or condition made, may appeal to the Tribunal of Appeal.

By "sewer of the Council" is presumably meant main sewer. It is of interest to note that in the case of *Ellis v. London County Council* [(1904) 1 K. B. 283], it was held that land was capable of being drained into a Council's sewer within the meaning of the section, although, during times of flood, the subsidiary sewer receiving the drainage was not able to discharge into the main sewer, because of the back pressure of the flood water on a sewer flap provided at the junction of the subsidiary sewer with the main sewer.

By-Laws as to Deposit of Plans.

Notice to Borough Council. In addition to the by-laws relating to the construction of drains and the provision of sanitary fittings, by-laws exist,

which were made in 1903 under the provisions of the Metropolis Management Act of 1855, and the Amendment Act of 1899. As these relate to the giving of notice to the Borough Council they require to be considered first. It is stated in such by-laws that when a person, in the provision of a drainage system, is about to construct pipes and drains or the accompanying traps and apparatus, he must deposit in duplicate with the local authority, at least 15 days before the work or building is commenced, sufficient plans, sections, and particulars to enable the local authority to judge whether the proposed construction will comply with the statute law and by-laws. It will be noted that the by-law deals only with the deposit of the plans and particulars; there is no need to wait for a formal approval of the plans once the specified 15 days have elapsed, although a prudent person may prefer to do so. 539

Additions or Alterations. Where only additions or alterations to, or the reconstruction of, a drainage system are proposed, the plans, sections, and particulars to be submitted must be sufficient to enable the local authority to judge whether the proposed works will comply with the law and by-laws. 692

Cases of Urgency. In any case where an alteration of the drains is required to be carried out at once, a person is entitled to commence the work if he sends a notice with reference to the work to the local authority; he must then, within two weeks of the commencement of the alteration, deposit plans, sections, and particulars in the ordinary way. As there is no statement as to what constitutes an urgent case, the determination is presumably a question of fact in each particular instance.

Plans and Particulars. The detailed requirements as to the character of the plans and particulars to be submitted are somewhat onerous, and I believe there is considerable diversity of practice throughout London as to the manner in which these requirements are administered by the various Borough Councils, and I doubt whether there are many boroughs in which the regulations are enforced to the very letter. At a meeting of the Institution of Municipal and County Engineers, held in November, 1903, Mr. W. Weaver, M.I.C.E., then borough surveyor of Kensington, read a paper on the subject of these by-laws, which paper, together with the ensuing discussion, is quoted in the proceedings of the Institution. A subsequent meeting of London borough surveyors was held with a view of arriving at uniformity of practice in the administration of these by-laws dealing with the submission of plans, but it was not found possible to come to any agreement. There seemed to be a general consensus of opinion among the speakers at these meetings that the by-laws were too stringent. The requirement as to the submission of a detailed description of the method of construction was particularly a subject of criticism. 691

Consequently, in carrying out work in an unfamiliar district, it will be well for the person responsible for the work to ascertain from the officials of the local Borough Council the amount of information which they are in the habit of receiving. Many boroughs issue special forms which are required to be filled in by applicants. As regards the preparation of the plans, my own experience in official life has been that the work of a man who prepares his plans with a view to giving an intelligible representation of his proposals.

is much more appreciated, even if the letter of the regulations is broken, than the work of a person who, while adhering slavishly to the regulations, does not take any pains to make a clear and intelligible drawing. In all plans submitted to a public authority it is of the greatest importance that, in addition to a proper representation of the details affecting the case, there shall be a north point and a scale drawn on the paper, and that sufficient information as to situation is given to enable the site of the building or work to be properly identified.

By-laws as to Drains and Soil Pipes.

- By-laws under Metropolis Management Act, 1855.** There are two sets of by-laws dealing with drainage and sanitation. There are the
 693 by-laws made under the Metropolis Management Act, 1855, and those made
 701 under the Public Health (London) Act, 1891. The former deal with the construction of drains, traps, and soil pipes, and the latter with the construction of water-closets, earth-closets, privies, and cesspools. The by-laws made under the Metropolis Management Act will be first considered. It will be possible, of course, only to give an outline of the requirements; for the details, reference must be made to the by-laws themselves.
- 693 **Sub-soil Drainage.** The drainage of the sub-soil is not in any case compulsory in London, but if sub-soil drainage is provided, and run to a sewer, the sub-soil drain must be trapped and ventilated near its junction with the sewer. The short length of drain between the trap and the sewer must be constructed in the manner prescribed for soil drains.
- 694 **Drainage of Surface Water.** Where a paved or unpaved surface within the curtilage of a new building is drained by means of a drain or drains communicating with the sewer, every inlet to the drain is required to be constructed as a properly trapped gully, and the drain as a soil drain. Rain-water pipes conveying water to a drain must discharge in the open air over a properly trapped gully, or into the gully above the level of the water seal, a method which is often adopted. Such pipes must not be constructed to receive any solid or liquid matter from any water-closet, urinal, slop or other sink, or lavatory. Water from a bath not being mentioned in this list, it is thus apparently possible to run a bath waste into a rain-water head, although this may not be a very desirable proceeding.
- 696 **Intercepting Trap.** Every main drain communicating with a sewer must be provided with a proper intercepting trap situated as near as may be practicable to the sewer. A manhole or other separate means of access to the trap must be provided for cleaning purposes. Such manhole or other separate means of access is to be constructed so as to be water-tight up to the level of the surface of the ground, and, when situated inside a building, is to be fitted with an air-tight cover.
- 694 **Construction of Drains.** Except in the case of sub-soil drains, which may be of earthenware field pipes, every drain communicating with a sewer must be constructed of glazed stoneware or of cast iron, or of other equally suitable material. Every such drain must have an internal diameter of not

less than 4 ins., and be laid to a suitable fall on a bed of concrete not less than 6 ins. thick, projecting on either side to an extent equal to the external diameter of the drain, and carried up so that the drain is embedded to the extent of not less than half its diameter. Special requirements apply with regard to drains which are carried under buildings. The concrete must be mixed in the proportions of 1 of Portland cement, 2 of sand, and 6 of gravel, broken brick, or other suitable material. All inlets to drains must be properly trapped. Every drain, other than a sub-soil drain, must be capable of resisting the pressure due to a 2 ft. head of water. Drains must join one another at an oblique angle, right-angled junctions not being allowed, but the local authorities exercise a little necessary discretion in administering this requirement.

Character of Pipes. The by-laws contain tables specifying, in the case 695 of cast-iron pipes, the minimum thickness of metal and weight per 9 ft. length, and in the case of stoneware pipes the minimum thickness, depth of socket, and annular space for cement at the joint. These tables are as follows:—

CAST-IRON DRAIN PIPES.

Internal Diameter.	Minimum Thickness of Metal.	Minimum Weight per 9 ft. Length, the Thickness of Socket being not less than $\frac{3}{8}$ Inch.
3 inches.	$\frac{5}{16}$ of an inch.	110 lbs.
4 "	$\frac{3}{8}$ " "	160 "
5 "	$\frac{3}{8}$ " "	190 "
6 "	$\frac{2}{5}$ " "	230 "

STONEWARE DRAIN PIPES.

Internal Diameter.	Minimum Thickness of Pipe.	Minimum Depth of Socket.	Minimum Annular Space for Cement.
3 inches.	$\frac{1}{2}$ of an inch.	$1\frac{1}{2}$ inches.	$\frac{5}{16}$ of an inch.
4 "	$\frac{5}{8}$ " "	$1\frac{3}{4}$ "	$\frac{5}{16}$ " "
5 "	$\frac{5}{8}$ " "	2 "	$\frac{5}{16}$ " "
6 "	$\frac{5}{8}$ " "	2 "	$\frac{5}{16}$ " "
9 "	$\frac{3}{4}$ " "	2 "	$\frac{7}{16}$ " "

Stoneware pipes are required to be jointed with cement or "other equally suitable material." Cast-iron pipes, if constructed in the usual manner, with socket joints, are to be jointed with molten lead properly caulked, the depth of the joints being $2\frac{1}{2}$ ins., and the annular space for the lead in the case of 3-in. and 4-in. pipes must not be less than $\frac{1}{4}$ in. in width, and not less than $\frac{3}{8}$ in. in width in the case of 5-in. and 6-in. pipes.

Drains Under Buildings. A drain is not to be laid under a building 695 except where no other mode of construction is practicable. A drain in such a

position must be laid, "where practicable," in a direct line for the whole of the distance beneath the building, and must be completely encased in concrete at least 6 ins. thick all round, the composition of the concrete being the same as that specified in the case of the concrete bed for ordinary drains. Where, however, a drain in such a position is constructed of iron, it is not necessary to encase it in concrete, but unless it is carried above the ground on adequate piers or other sufficient supports, it must be laid on a bed of concrete in a similar manner to a drain situated outside a building. Whenever practicable, adequate means of access must be provided at each end of the portion of the drain extending under the building. No inlets to such portion of the drain are
 698 allowed, except such inlets as may be necessary from the apparatus of any water-closet, slop sink, or urinal.

696 **Protection of Drain Beneath Wall.** Where a drain is laid beneath a wall, the part under the wall must be protected by a proper arch, flagstone, or iron support.

696 **Ventilation of Drains.** The by-laws admit of an alternative in the method of ventilation to be adopted, a choice which is not given in the by-laws of many provincial towns. The ordinary method of ventilation by means of a fresh-air inlet near the intercepting trap and an outlet at the highest point of the drain is, in the first instance, required. When, however, this arrangement is "impracticable or undesirable," the reverse method may be adopted, the inlet being provided at the top of the drain and the outlet at the bottom. It is further provided that where in any case neither of these two arrangements is desirable, vertical pipes are to be carried up from the two ends of the drain to such a height and in such positions that when one acts as an inlet the other may be a safe outlet for foul air. Although in all general cases most persons doubtless will prefer to adopt the ordinary method of providing an inlet at the lower and an outlet at the upper end of the drain, yet circumstances sometimes occur which render such method undesirable of adoption, and thus the right to employ an alternative method may be of importance.

The pipes used as ventilating pipes must have an internal diameter of not less than 4 ins., must be constructed of the material specified for soil pipes, must not have any avoidable bends or angles, and must be fitted with gratings or covers at the ends.

697 **Soil Pipes as Ventilating Pipes.** Soil pipes and the waste pipes of slop sinks are allowed to be used for outlet shafts, and when thus used in a suitable position for ventilating purposes, will render unnecessary the provision of any further pipe for this purpose, and in such case a pipe of $3\frac{1}{2}$ ins. internal diameter is admitted as being sufficient to ventilate a 4-in. drain.

698 **Construction of Certain Waste Pipes.** Waste pipes from lavatories or sinks, other than pipes from slop sinks or urinals, which latter pipes are subject to special regulations, are required to be constructed of lead, iron, or stoneware, to be trapped immediately beneath the fitting to which they are connected, and to be carried through the external wall and to discharge in the open air either (a) over a trapped gully, or (b) into a gully above the level of the water seal, or (c) over a channel leading to a gully. This requirement as

to the discharge of ordinary waste pipes in the open air is often waived by a local authority when it is proposed to erect a building covering the whole site. This remark also applies to rain-water pipes. No size is specified for these lavatory and sink wastes. Bell-traps, dip-traps, and D-traps are prohibited.

In the case of *Treasure & Co. v. Bermondsey Borough Council* (1904, 68 J. P. 206), the waste pipe from each one of a range of lavatory basins discharged directly, without being trapped, into an open trough. This trough discharged into a trapped pipe, and it was held that the Borough Council could not require, under the by-law, the provision of a trap beneath each lavatory basin.

Position of Soil Pipes. Whenever practicable, soil pipes are to be placed outside a building. If in any case it is necessary to construct a soil pipe inside a building it must be placed so as to be easily accessible, and must be constructed of drawn lead with wiped joints. 698

Character of Soil Pipes. External soil pipes may be constructed of cast iron or lead, there being a table in the by-laws giving the required weight of lead pipes per 10-ft. length, and the thickness and weight of cast-iron pipes per 6-ft. length in accordance with specified internal diameters. This table is as follows:—

SOIL PIPES.

Internal Diameter.	Lead.	Cast Iron.	
	Minimum Weight per 10-ft. Length.	Minimum Thickness of Metal.	Minimum Weight per 6-ft. Length, the Thickness of Socket being not less than $\frac{1}{4}$ Inch.
$3\frac{1}{2}$ inches.	65 lbs.	$\frac{3}{16}$ of an inch.	48 lbs.
4 "	74 "	$\frac{3}{16}$ " "	54 "
5 "	92 "	$\frac{1}{4}$ " "	69 "
6 "	110 "	$\frac{1}{4}$ " "	84 "

The joints between the lengths of a cast-iron soil pipe must be constructed in a similar manner to that specified for a cast-iron drain. There is no requirement as to the construction of the joints between the lengths of a lead soil pipe placed outside a building. Every soil pipe must have an internal diameter of not less than $3\frac{1}{2}$ ins., and must be carried up as an outlet pipe, without diminution of diameter, and without any avoidable bends.

Joints Between Different Materials. The methods of constructing the joints between three different combinations of materials are given at length in the by-laws, any other form of connection being, however, allowed if the joint can be as soundly made in the manner desired. A summary of these specified kinds of connections is as follows:— 699

(1) Lead pipe with iron drain.

With copper or brass thimble, connected to the lead pipe by a wiped joint and to the iron drain by means of molten lead.

(2) Stoneware trap with lead soil pipe, or lead soil pipe with stoneware drain. With copper or brass thimble connected to the lead by a wiped joint and to the stoneware with Portland cement.

(3) Stoneware trap with iron soil pipe, or iron soil pipe with stoneware drain. With Portland cement.

700 **Anti-Syphonage Pipes.** Where more than one water-closet is connected to a soil pipe, the traps of all water-closets connected to such soil pipe must be provided with anti-syphonage pipes ventilated into the open air at the level of the top of the soil pipe, or, as of course is most customary, connected with the soil pipe at a point above the branch of the highest water-closet. Such an anti-syphonage pipe, termed in the by-laws a "ventilating pipe," must have an internal diameter of not less than 2 ins., and must be connected with the arm of the soil pipe or trap at a point not less than 3 ins. or more than 12 ins. from the highest part of the trap, and the joint made in the direction of the flow. Apparently the topmost water-closet in a system is required to be provided with an anti-syphonage pipe. But the provision of such a pipe would not appear to be demanded by the rules of sanitary science. Anti-syphonage pipes may be placed either outside or inside a building, and, if placed outside, may be constructed either of drawn lead or cast iron, of which the weights are specified; but, if placed inside, must be constructed of drawn lead with proper wiped joints.

700 **Slop Sinks and Urinals.** Every slop sink or urinal must be properly trapped, and the waste pipe must be constructed in accordance with the regulations having reference to soil pipes. It is provided, however, that the internal diameter of such a waste pipe need not exceed 3 ins., for which size the weights per 10-ft. length, if of lead, and per 6-ft. length, if of cast iron, are specified. The traps of slop sinks or urinals must be provided with anti-syphonage pipes in a similar manner to water-closets in any case where a waste pipe receives the discharge from more than one of such fittings.

701 **Maintenance.** The owner of every building is required to keep in a proper state of repair all pipes, drains, traps, and other apparatus.

Existing Buildings. The by-laws as above quoted have reference to new buildings, but it is further provided that they shall, so far as practicable, apply to the construction or reconstruction of any pipe, drain, trap, or apparatus in a building erected before the confirmation of the by-laws, which date is the 6th November, 1900.

By-laws as to Water-closets, Earth-closets, etc.

701 **By-laws under the Public Health (London) Act, 1891.** The by-laws made under the Public Health (London) Act, 1891, are on the whole of much less importance to the architect or builder than those made under the Metropolis Management Act, 1855. But the Public Health by-laws nevertheless contain very important provisions specifying the amount of air space to be provided in connection with water-closets and earth-closets, and

the method to be adopted in certain cases for separating such closets from the remainder of the building.

Open Space. Every water-closet or earth-closet must be constructed in such a position that, in the case of a water-closet, at least one and, in the case of an earth-closet, at least two of its sides will be external walls, abutting immediately upon the street, or upon an open space of not less than 100 sq. ft., measured approximately at the level of the floor of the water-closet. There is, however, a proviso to the effect that this requirement is not to apply to a water-closet constructed below the surface of the ground and approached directly from an area or other open space, when such area or open space has an extent of at least 40 sq. ft., and a width across of at least 5 ft. This open space is allowed to be covered over, if necessary, with a grating, a method which is often adopted in the case of basement areas. It should be noted that for a water-closet to come within the scope of the proviso it must be approached from the external air. 702

Separation of Water-closet. No water-closet may be constructed so that it is approached directly from a room used for the purpose of human habitation, or used for the manufacture, preparation, or storage of food for man, or used as a factory, workshop, or workplace. On any side on which a water-closet would abut on such a room it must be enclosed by "a solid wall or partition of brick or other materials" extending from the floor to the ceiling.

Approach to Earth-closet. Every earth-closet must be constructed to be approached only from the external air. 702

Ventilation of Closets. Every water-closet and earth-closet must be provided with a window, of which 2 sq. ft. at least must be made to open directly into the required open space, and in addition constant ventilation must be provided by at least one air brick built in an external wall, or by an air shaft or other effectual contrivance.

Construction of Water-closets. Any water-closet which is approached from the external air must be constructed with a floor of hard, smooth, impervious material, having a fall towards the door of at least $\frac{1}{2}$ inch in one foot. Every water closet must be provided with a cistern, which must be separate and distinct from any cistern supplying drinking water; the flush pipe from the cistern must have an internal diameter of not less than $1\frac{1}{4}$ ins. There are other requirements of a general character having reference to the design of the water-closet apparatus. It is provided that, where any person newly fits or fixes an apparatus in connection with an existing water-closet, he must comply with the by-laws as regards the fixing of the apparatus as if the water-closet were being newly constructed.

Construction of Earth-closets. An earth-closet must be constructed with an adequate receptacle for dry earth, and a movable receptacle for excreta must be provided, and this must not exceed 2 cub. ft. in capacity. Both receptacles must be placed so that they are not exposed to rainfall or to the drainage of waste water. 703

Position and Construction of Privies. A privy must be at least 20 ft. from a dwelling-house, public building, or building in which any person is employed in any manufacture, trade, or business, and at least 100 ft. from 704

any well, spring, or stream of water used for drinking or domestic purposes. A privy must be so situated that it may be emptied without the excreta being carried through any dwelling-house, public building, or building in which any person is employed in any manufacture, trade, or business. Every privy must have a sufficient opening for ventilation as near to the top as practicable, and also a paved floor, in no part less than 6 ins. above the surface of the adjoining ground, and having a fall towards the door of not less than $\frac{1}{2}$ in. to 1 ft. A movable receptacle for excreta must be provided of a capacity not exceeding 2 cub. ft.

37 It has already been stated that the provision of an earth-closet or privy is permissible only in cases where sewerage or water supply sufficient for a water-closet is not reasonably available.

705 **Existing Earth-closets and Privies.** Any existing earth-closet or privy which does not comply with the requirement of the by-laws is not in accordance with the law. Under the provisions of the by-laws, all existing earth-closets and privies were required to be brought into conformity with the requirements within six months after the confirmation of the by-laws, which took place in June, 1893.

704 **Notice to Borough Council.** The by-laws require that any person intending to construct any water-closet, earth-closet or privy, or to fix a trap apparatus or soil pipe, shall, before executing such work, give notice to the
39 Borough Council. It will be remembered that under more recent by-laws the deposit of plans and particulars is also now required.

705 **Construction of Ashpits.** New ashpits to buildings must be movable receptacles constructed of metal with handles and cover, and must not exceed 2 cub. ft. in capacity. This requirement as to size does not, however, apply to premises where an ashpit is used in common, although in no case may an ashpit be of such a capacity as to be able to contain more than one week's refuse.

705 **Position and Construction of Cesspools.** A cesspool must be placed at least 100 ft. from any well or spring, or from a dwelling-house, public building, or any building in which a person is employed in any manufacture, trade, or business. Further, it must be in such a position that its contents may be removed without passing through any such building. A cesspool must be constructed of good brickwork in cement mortar, and must be rendered inside with cement, and have a backing of 9 ins. of well-puddled clay around and beneath the brickwork. It must also be properly arched over, and provided with adequate means of ventilation.

706 **Receptacles for Dung.** Provisions in the by-laws exist with regard to receptacles for dung. These have principal effect in connection with stables and mews, where the metal cages recognised by the by-laws are in very general use.

707 **Cleansing of Sanitary Conveniences.** The by-laws require that a water-closet shall be cleansed as may be necessary from time to time, and an earth-closet, privy, and receptacle for dung shall be emptied and cleansed every week, and that a cesspool shall be emptied and cleansed at least every three months. The obligation to carry out these works is laid upon the occupier,

except where two or more lodgers in a lodging-house are entitled to a use in common, when the duty falls upon the landlord.

Water-closets, etc., in Lodging-houses. In any house or part of a house which is let in lodgings or occupied by members of more than one family, and which is not a "common lodging-house," sanitary accommodation must be provided in the proportion of not less than one water-closet, earth-closet, or privy for every 12 persons. The law with regard to common lodging-houses is dealt with in Chapter 5. This by-law as to sanitary accommodation in lodging-houses was approved in 1905, and takes the place of a by-law in somewhat similar terms which was comprised in the general Public Health By-laws, but which was found to be ineffective. 708 52

Maintenance. The owner of every building is required to keep in a proper state of repair every water-closet, earth-closet, privy, ashpit, cesspool, and receptacle for dung, together with the proper accessories. 706

Application of By-laws. It may be thought that the by-laws with regard to earth-closets, privies, and cesspools have little application in the metropolis, but it should be remembered that some districts in the County of London, notably Roehampton and Eltham, are almost rural in character, far more so indeed than the large majority of districts immediately outside the County boundary.

Closing of Privies and Cesspools. By-laws dealing, among other things, with the closing and filling up of disused privies and cesspools have been made under the Public Health (London) Act, 1891, and are administered by the several sanitary authorities. 709

Right of Appeal. If any by-law is contravened the person offending becomes liable to a specified penalty, but the Court before whom the case may be brought is empowered to reduce the amount of the penalty. It is also provided in section 125 of the Public Health (London) Act, 1891, that any person deeming himself aggrieved by any conviction or order made by a police court magistrate on determining any information or complaint under the Act, may, save as otherwise provided in the Act, appeal to Quarter Sessions. 443

CHAPTER 5

VARIOUS HYGIENIC PROVISIONS

IN addition to the provisions affecting the construction and maintenance of sewers, drains, and sanitary fittings, there are other numerous requirements scattered throughout the pages of about half a score Acts, which, to a greater or less extent, affect the erection of buildings. Such requirements have as their principal object the safeguarding of the public health, and may thus be denoted by the general term of hygienic provisions. They will be found chiefly in the Public Health (London) Act, 1891, and in the several General Powers Acts of the London County Council; but they are also met with in the London Building Act, 1894, in the Factory and Workshop Acts, 1901 and 1907, and in the Common Lodging Houses Acts, 1851 and 1853. The provisions of Part V. of the 1894 Building Act, affecting the air space at rear and height of domestic buildings, might be included under this heading, but it has been considered that these form far too important a part of the building law of London to be treated of in conjunction with such an *olla podrida* of hygienic requirements as it is necessary to include in this chapter. A separate chapter (No. 7) is therefore devoted to the general provisions having reference to air space and height, and a further chapter (No. 8) to the special requirements applicable to working class dwellings. The by-laws relating to building materials, which contain also certain sanitary requirements, are dealt with in Chapter 9.

Dangerous and Objectionable Trades.

Dangerous and Noxious Businesses. Dealing first with the chief provisions of the 1894 Building Act coming under the present chapter-heading, which are contained in Part X. of that Act, a part that has reference to dangerous and noxious businesses, it should be noted that these not only regulate the position in which dangerous and noxious businesses may be carried on, but also prohibit the erection of a building nearer than 50 ft. to a building used for a dangerous business, and a dwelling-house nearer than 50 ft. to a building used for a noxious business. It is, however, provided that, where a building or a dwelling-house, respectively, erected before the 9th August, 1844, within 50 ft. from any building for the time being used for a dangerous or noxious business, is "pulled down, burnt, or destroyed by tempest," such building or dwelling-house, as the case may be, can be legally rebuilt. No person may establish or carry on a dangerous business "in any building or vault, or in the open air, at a less distance than 40 ft. from any public way, or than 50 ft. from any other building or

any vacant ground belonging to any person other than his landlord." Subject to the provisions of section 120 of the Act, no person may establish or carry on a noxious business "in any building or vault, or in the open air, at a less distance than 40 ft. from any public way or than 50 ft. from any dwelling-house."

Section 120 provides that, in the case of a noxious business existing before the 9th August, 1844, if the person carrying on such business shows that all means for mitigating the effect of such business have been adopted, a police Court may remit or reduce any penalty, or if it appears to this Court or, upon appeal, to the Court of Quarter Sessions, that the person carrying on the business has made due endeavours to mitigate as far as possible its effects, it is lawful for the Court to suspend the execution of their order upon the condition that the person convicted adopts such other or better means of remedying the nuisance as the Court may think fit. If before conviction in the police Court the person of whom complaint is made desires to have the matter tried by a jury at Quarter Sessions, he is entitled to this privilege upon entering into a recognisance to pay all costs of the trial if the verdict is given against him. 492

The scope of these provisions is, of course, absolutely determined by the definitions of the terms "dangerous business" and "noxious business." A list of dangerous businesses is given in section 118, and there is also a general clause to include any other manufacture which is dangerous "on account of the liability of the materials or substances employed therein to cause sudden fire or explosion." A noxious business is defined in section 119 as "the business of a blood boiler or bone boiler, and any other like business which is offensive or noxious," but the businesses of a soap boiler, tallow melter, knacker, fellmonger, tripe boiler, and slaughterer of cattle or horses are specially excluded from the scope of the definition. Section 121 provides that the provisions of Part X. of the Act are not to apply to public gasworks and distilleries. 493

Offensive Trades. In addition to the provisions of the 1894 Building Act as to noxious businesses, there are those of the Public Health (London) Act, 1891, with reference to offensive trades. The term sanitary authority, as used in this Act, means (except in the Inner and Middle Temples, where the overseers have jurisdiction), in the City, the City Corporation, and in the rest of London, the local Borough Council. The list of definitions given in section 141 of the Act will often require to be consulted. Section 19 absolutely prohibits the establishing anew of the businesses of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, or knacker, and further provides that without the sanction of the Council it shall not be lawful to establish anew the businesses of "fellmonger, tripe boiler, slaughterer of cattle or horses, or any other business which the County Council may declare, by order confirmed by the Local Government Board, and published in the *London Gazette*, to be an offensive business." There is, however, a reservation that the business of a soap boiler may be established with the consent of the Council, provided animal fat or oil, other than olein, is not admixed with alkali for the production of soap. The term "establish anew" includes the removal of the business from one set of premises to another, and 441 31 445 428

the renewing of the business on the same premises after it has been discontinued for a period of nine months or more, and also the enlarging of the premises. Since the commencement of the 1891 Act the County Council have added to the foregoing offensive trades that of dresser of fish skins. This, however, by no means completes the list of offensive trades which can be established anew only with the consent of the Council, for several trades which were declared offensive trades by Orders under the repealed Slaughter-

451 houses (Metropolis) Act, 1874, are, by the provisions of section 142 of the 1891
447 Act, continued as offensive trades under such Act. The trades thus included are those of fat melter, blood drier, animal charcoal manufacturer, gut scraper, catgut manufacturer, and glue and size manufacturer. All of these are subject to the provisions of section 19 of the 1891 Act.

The sanction of the County Council to the establishing anew of any

429 specified offensive trade must be by order. At least 14 days before the order is proposed to be made, the application for it must be made public by notifying the sanitary authority, by advertising notice of the application and of the time and place at which the Council will be willing to hear all persons objecting to the order, and by causing a copy of the notice to be fixed in a conspicuous part of the premises in question. In the application of this section to the City, the City Corporation take the place of and exercise the duties elsewhere performed by the County Council. By-laws regulating the conduct of the above-mentioned businesses, and the structure of the premises, have been made by the Council, and are administered by the Borough Councils, but as these are of very restricted application, they are not included in the text of the by-laws at the end of this volume. Any of these special by-laws may be obtained from Messrs. P. S. King & Son, of Great Smith Street, Westminster, agents for the publications of the Council, at the cost of a few pence. These by-laws do not apply in the City. Under the provisions of section 9 of the

583 London County Council (General Powers) Act, 1908, the County Council, and in the City the Corporation, have power to make by-laws regulating the carrying on of the businesses of vendor of fried fish, fish curer, and rag and bone dealer. By-laws under this section will probably shortly be issued by the Council.

Where any manufactory, building or premises, used for any trade, business, process, or manufacture causing effluvia is certified to the sanitary authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of a district, to be a nuisance or

480 injurious to health, such authority is bound, by the provisions of section 21 of the Act of 1891, to make a complaint to the police Court. If it appears to the Court that the complaint is justified, and that the best practicable means for abating the nuisance or preventing or counteracting the effluvia have not been adopted, the person responsible may be fined. It should be noted that in this and other instances under the Public Health (London) Act, 1891, the County Council have power to take action in default in any case where it is proved to

442 their satisfaction that the Borough Council has failed to do its duty, but they have no right to proceed in a case of default on the part of the City
444 Corporation. The removal of house and street refuse by the local authority

is a trade coming within the scope of the procedure specified in section 21, 430
but in this case the County Council act as the sanitary authority.

Smoke. Section 23 of the Public Health (London) Act, 1891, provides that 431
every furnace in connection with a steam engine, and every furnace employed in
any public bath or wash-house, and generally in buildings used for the purpose
of trade or manufacture, shall be constructed so as to consume or burn the
smoke arising from such furnace; there is, however, the proviso that the
words "consume or burn the smoke" are not to be held in all cases to mean
consume or burn all the smoke, and the Court hearing an information against
a person may remit a fine if of opinion that the furnace is constructed so as
to consume as far as possible all its smoke, and has been carefully attended to.
Every sanitary authority is required to enforce the above provisions. In
section 24 of the Act it is provided that any fireplace or furnace used in any
manufacturing or trade process which does not, as far as is possible,
consume its own smoke, and any chimney (not being the chimney of a private
dwelling-house) sending forth **black smoke** in such a quantity as to be a nuisance,
may be dealt with summarily under the provisions of the Act with reference
to the abatement of nuisances. Section 18 of the 1910 General Powers Act 607
gives the County Council a right, at the request of a sanitary authority in any
special case, to enforce the foregoing provisions.

Premises requiring Licence.

Licences. Petroleum, for use in motor-driven vehicles, may be stored
without a licence if the regulations of the Home Secretary are complied with, 620
but the limit in such a case is sixty gallons, and there are several other
restrictions. If the petroleum is to be used for other purposes or is for sale,
or if the regulations cannot be adhered to, it will be necessary to obtain a licence
from the County Council, or in the City from the Corporation, under the
Petroleum Act, 1871. Carbide of calcium, when exceeding in quantity twenty- 397
eight pounds, can only be kept under licence from the public authority.
Abstracts of the law affecting the storage of this material, and the storage of
mixed explosives, are published by the Council, but are not of sufficient general
interest to warrant inclusion in this volume.

It is provided by section 20 of the Public Health (London) Act, 429
1891, that a person carrying on the business of a slaughterer of cattle or
horses, knacker or dairyman, must not use any premises in London (outside
the City) as a slaughter-house or knacker's yard, or as a cow-house or place
for the keeping of cows, without a licence from the Council. It is further
provided by the London County Council (General Powers) Act, 1903, that a 557
person may not use a yard, building, or other premises outside the City for
receiving or keeping horses for slaughter, or for receiving the carcasses of dead
horses, unless he gets a licence from the Council. By-laws as to slaughter- 712
houses have been made under the repealed Slaughter-houses (Metropolis) Act,
1874, and are administered by the Borough Councils. In the City special 210
regulations apply as regards slaughter-houses. Other persons who are
required to obtain licences from the County Council are the keepers of
common lodging-houses. This subject demands detailed treatment.

337 **Common Lodging-houses**, within the County of London, must comply
 554 with the provisions of the Common Lodging-houses Acts, 1851 and 1853, and
 of Part IX. of the London County Council (General Powers) Act, 1902. The
 term "common lodging-house" is not defined in the foregoing Acts, but from
 a circular of the General Board of Health issued in 1853, it appears that the
 law officers of the Crown in dealing with the meaning of this term in the Act of
 1851, advised as follows:—"It may be difficult to give a precise definition of
 the term 'common lodging-house,' but looking to the preamble and general
 provisions of the Act, it appears to us to have reference to that class of
 lodging-house in which persons of the poorer class are received for short
 periods, and, though strangers to one another, are allowed to inhabit one
 common room. We are of opinion that it does not include hotels, inns,
 public-houses, or lodgings let to the upper and middle classes."

This opinion must now be read under the light of the decision in the case
 of *Parker v. Talbot* [(1905) 2 Ch. 643]. It was held in this case that the
 definition in the Common Lodging-houses (Ireland) Act, 1860 (23 Vict. c. 26),
 an Act passed to remove doubts as to the application of the Acts of 1851 and
 1853 to Ireland, and subsequently repealed, forms in effect a definition for
 the purpose of such Acts, and for the purpose of Part IX. of the London
 County Council (General Powers) Act, 1902. This definition is as follows:
 "The term 'common lodging-house' shall mean a house in which persons
 are harboured or lodged for hire for a single night, or for less than a week at
 a time, or any part of which is let for any term less than a week." The Court
 decided in this case of *Parker v. Talbot* that a house in which accommodation
 was provided free of charge was not a common lodging-house.

Under the Common Lodging-houses Acts, 1851 and 1853, all common
 337 lodging-houses within the County of London are required to be inspected and
 approved by an officer of the public authority and to be registered by that
 authority. The provisions of these Acts are considerably extended by Part IX.
 554 of the London County Council (General Powers) Act, 1902, in which it is
 provided that a common lodging-house can be kept only by a person who
 holds a licence, issued by the Council in respect of the particular premises
 concerned. Such licences are issued for a period of one year, and the
 licensing takes the place of the old method of registration. The Council
 in dealing with an application for a licence are required to consider whether
 the person applying is a suitable person to have control of such an establish-
 ment, and "whether the premises in respect of which application is made
 for a licence are structurally and otherwise suitable for use and occupation
 as a common lodging-house, having regard to the number, health, safety, and
 convenience of persons occupying or intended to occupy the same." On the
 strength of the word "safety" the Council deal with the means of escape
 from fire in common lodging-houses. This question will receive further
 193 mention in Chapter 14. If the premises are considered to be unsuitable, or
 if the applicant is not considered a fit and proper person, the Council may
 refuse to grant a licence or to renew an existing licence; but a written
 statement of the grounds of the refusal must be given, if required.

Appeal, however, is possible in such cases to a metropolitan police

magistrate, provided that the appeal is made within a period of 14 days from 555
the date of the refusal and that not less than 24 hours' notice of such
appeal is sent to the Council. If the refusal is upon the grounds that the
premises are not suitable or suitably equipped for the purpose of a common
lodging-house, the magistrate has power to appoint "a properly qualified
surveyor or architect to examine and report to him upon the condition of such
premises, and their suitability for the purposes of a common lodging-house."

By-laws as to Lodging-houses. The Council have availed themselves
of their power under the Act of 1902 to make by-laws relating to common 609
lodging-houses, and have also under the Merchant Shipping Act, 1894, made 528
by-laws which have reference to **seamen's lodging-houses**, which premises, 614
although outside the scope of the General Powers Act, 1902, are, by an Order
in Council dated the 19th February, 1910, also required to be licensed. Both
these sets of by-laws deal chiefly with the conduct of the premises as a
general lodging-house, and with the general cleanliness of the premises. In
each case, however, there are provisions dealing with the use as a sleeping
apartment of a room whose floor is more than three feet below the surface of
the ground, which provisions in the case of common lodging-houses are
obviously based on, and in the case of seamen's lodging-houses must be read in
connection with, the provisions of section 96 of the Public Health (London) 439
Act, 1891, which have reference to underground rooms. It is also provided in
the case of both classes of buildings that the Council may fix the maximum
number of persons allowed to occupy each particular room, and in the case
of seamen's lodging-houses that, if the Council do not thus determine the
maximum number, it shall in no case be lawful for the keeper to use his
sleeping rooms in such a manner that there are less than 400 cubic feet of 615
air space for each occupant. Further regulations as to common lodging-houses
apply in the City. In addition to the foregoing by-laws, the different
Borough Councils throughout London have each made by-laws under
section 94 of the Public Health (London) Act, 1891, with regard to houses 439
let in lodgings.

Domestic Hygiene.

Underground Rooms. Section 96 of the Public Health (London) Act, 439
1891, provides that any underground room which was not let or occupied
separately as a dwelling before the passing of the Act must not be so let
or occupied unless it is in conformity with a list of requirements calculated
principally to ensure the provision in connection with such room of the
necessary minimum space for ventilation, light, and air. It is further laid
down by this section that 6 months after the commencement of the Act
the above-mentioned provisions shall apply to underground rooms let or
occupied separately as dwellings before the passing of the Act; but power is
given to the sanitary authority to dispense with or modify requirements
which would involve structural alteration of the building. Such dispensation
or modification may be either absolute or for a limited time, and can be
revoked or varied by the sanitary authority. It is stated that "for the 441
purpose of this section the expression 'underground room' includes any

room of a house the surface of the floor of which room is more than 3 feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room."

The foregoing provisions are extended by the Housing and Town Planning Act, 1909. Section 17 (7) states that a room habitually used as a sleeping place, 598 of which the floor is more than 3 feet below the adjoining street, shall be deemed unfit for habitation if not on an average at least 7 feet in height, or in compliance with such regulations as the local authority, with the sanction of the Local Government Board, may prescribe.

Habitable Rooms are dealt with in the 1894 Building Act. To understand the exact scope of the term "habitable rooms," reference must 456 be made to the definitions of "habitable" and "inhabited" given in section 5 of that Act. Section 70 provides that the height of every habitable room 476 measured from floor to ceiling shall be as follows:—

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|--|---|
| (1) Rooms not in the roof | 8 ft. 6 ins. |
| (2) Rooms wholly or partly in the roof | 8 ft. throughout not less than one half the area of the room. |

The area of windows opening directly into the open air or into a conservatory must be not less (clear of the sash frames and free from any obstruction to the light) than, in the case of:—

- | | |
|---|--|
| (a) Ordinary rooms | $\frac{1}{10}$ th of the floor area, with a portion equal to $\frac{1}{20}$ th of the floor area made to open, and the opening constructed so as to extend at least 7 ft. above the floor level. |
| (b) Rooms wholly or partly in the roof, and rooms having no external wall | either, a dormer window equal to $\frac{1}{12}$ th of the floor area, with a portion equal to $\frac{1}{24}$ th of the floor area made to open, and the opening constructed so as to extend at least 5 ft. above the floor level; or, a lantern light of unspecified area with a portion equal to $\frac{1}{20}$ th of the floor area to open. |

In a dwelling-house every wooden basement floor, other than a solid floor bedded directly on concrete, must have a sufficient space between it and the ground to admit of ventilation by air bricks, or otherwise. The floor of every habitable room constructed over a stable must be pugged with concrete or other solid construction 3 ins. in thickness, and the approach to such room must be separated from the stable by a brick wall not less than 9 ins. thick. 476 The ventilation of staircases in dwelling-houses is dealt with in section 69.

Tenement Houses. The erection of tenement houses has been somewhat affected by recent legislation. Section 78 of the 1907 General Powers 573 Act requires the provision of a separate water supply for each tenement, unless it can be shown to be unnecessary. Section 7 of the 1908 General Powers 582 Act of the Council provides that, where necessary, a sanitary authority may by notice require an owner of a tenement house to provide sufficient and suitable accommodation for the cooking of food for the use of each family

occupying such house. This requirement does not, however, apply to a tenement house used or occupied as such before the passing of the Act. It is provided by section 16 of the General Powers Act, 1909, that a sanitary authority may by notice require sufficient and suitable accommodation for the storage of food in a tenement house. This requirement also does not apply to a tenement house used or occupied as such before the passing of the Act of 1909. "Tenement house" is defined in a similar manner in each Act.

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Special Manufacturing and Trade Premises.¹

Factories and Workshops. It has already been mentioned in Chapter 4 that, under the provisions of section 38 of the Public Health (London) Act, 1891, factories and workshops must be provided with sanitary conveniences to the reasonable satisfaction of the sanitary authority, and the provisions of section 14 of the Factory and Workshop Act, 1901, with regard to means of escape in case of fire, will be dealt with in Chapter 14. There are, however, in addition, other less important provisions affecting hygiene. Factories are required by the Factory and Workshop Act, 1901, to be kept in a cleanly state and to be lime-whited at regular intervals; factories and workshops are to be ventilated, and, except in the case of men's workshops, the floors are to be drained when the process carried on renders the floor wet to such an extent that it may be improved by draining. The cleansing and lime-whiting of workshops is governed by the provisions of section 25 of the Public Health (London) Act, 1891. These provisions as to workshops are to be administered by the sanitary authority, but where this is not satisfactorily done, the Home Secretary has power under section 4 of the Factory and Workshop Act, 1901, to authorise an inspector to take such steps as may be necessary to enforce such provisions, and such officer will then have the same power with regard to workshops as he has with factories. An inspector who notices a sanitary defect which is outside the scope of the Factory and Workshop Act, 1901, but covered by the law relating to public health, is required to give notice in writing of the defect to the local authority with a view to action being taken by them. But if within one month proceedings are not taken, the inspector may institute the necessary proceedings in the stead of the local authority. Both factories and workshops are prohibited from being overcrowded, and section 3 of the Factory and Workshop Act, 1901, provides that a factory or workshop shall be deemed to be overcrowded if there are less than 250 cubic feet of space per person during ordinary working hours, or less than 400 cubic feet when overtime is being worked. But the Home Secretary has power to increase this amount, and, by an order dated the 17th January, 1902, has increased to 400 cubic feet the air space required in workshops used as sleeping places. The air space required in bakehouses has also been increased.

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Distinction between Factory and Workshop. It is often taken as a general rule that a factory is a place in which machinery is employed, and a workshop a place where it is not. But this is not strictly correct. The real distinction may be ascertained from a study of section 149 of the Act of 1901.

¹ See also pages 48 to 51.

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Factories are either textile or non-textile. Textile factories are places in which mechanical power is used in carrying out any of the processes mentioned in the first portion of section 149. Non-textile factories consist of any of the places mentioned in Part I. of the 6th Schedule to the Act, whether or not machinery is used—this classification preventing the use or non-use of machinery being the criterion; any of the places mentioned in Part 2 of the 6th Schedule (together with laundries) if mechanical power is used; and any place where manual labour is exercised by way of trade for purposes of gain, in a process in which mechanical power is used. A workshop is any place mentioned in Part 2 of the 6th Schedule which is not a factory, and any place, not being a factory, in which manual labour is exercised by way of trade or for purposes of gain.

In addition to sanitary provisions affecting factories and workshops of all kinds, there are in each case special provisions having reference to factories or workshops which are used as bakehouses and laundries.

Bakehouses. Section 26 of the Public Health (London) Act, 1891, provides that certain sections of Factory and Workshop Acts existing at the time of the passing of that Act, which relate to cleanliness, ventilation and other sanitary matters, shall, as regards every bakehouse which is a workshop, be enforced by the local sanitary authority. The sections referred to have, however, been repealed by the Factory and Workshop Act, 1901, and replaced by sections 97 to 102 of that Act, which, by direct mention as regards retail bakehouses, and by implication as regards wholesale bakehouses which are workshops, are administered in a similar manner by the local sanitary authority. Bakehouses which are factories are under the control of the factory inspectors.

The use of underground bakehouses is prohibited except in the case of such bakehouses as were used at the passing of the Factory and Workshop Act, 1901; but these may continue to be used only if considered by the sanitary authority to be suitable "as regards construction, light, ventilation, and in all other respects," and certified by such authority as suitable. The term "underground bakehouse" applies to a bakehouse in which the floor of any baking-room is more than 3 ft. below the footway of the street or the ground adjoining the room. In the event of a refusal of a certificate by the local authority, the occupier of the bakehouse has the right within 21 days of the refusal to complain to the police Court, and if the Court is satisfied that the bakehouse is suitable, it may grant a certificate of suitability. The question of the apportionment of expenses for structural works between owner and occupier is dealt with in Chapter 17. Sections 97, 99, and 100 of the Factory and Workshop Act, 1901, contain provisions with regard to (1) the sanitation of bakehouses, (2) the cleanliness of bakehouses, and (3) the construction of sleeping-places in the same building and on the same level as a bakehouse. The constructional provisions of sections 66 and 67 of the 1894 Building Act also demand attention.

By an order dated the 30th December, 1903, the Home Secretary has modified, in the case of bakehouses, the ordinary requirements of the Act of 1901 as to cubic space. As regards underground bakehouses, 500 cub. ft.

per person must be provided, and in the case of other bakehouses where electric light is not used, if work is carried on between 9 P.M. and 6 A.M., the provision of 400 cub. ft. per person during such hours is required.

Laundries worked by steam, water, or other mechanical power are required by the Factory and Workshop Act, 1907, to be provided with fans or other efficient ventilating appliances for the purpose of regulating the temperature in every ironing-room and for carrying away the steam in every washhouse; stoves for heating irons must be "sufficiently separated" from any ironing-room, and the floors must be drained to allow the water to flow off freely. Section 103 of the Factory and Workshop Act, 1901, containing the original requirements as to laundries, did not apply to any laundry in which the only persons employed were inmates of any prison, reformatory, or industrial school, or other institution subject to an Act other than the Factory and Workshop Act, or inmates of an institution conducted for religious or charitable purposes. This section has, however, been repealed by the Act of 1907, which has brought all laundries within the scope of the provisions of the Act of 1901, but the managers of a laundry connected with a charitable institution may apply to the Home Secretary for special treatment.

Dairies, Cowsheds, and Milkshops must be constructed in accordance with the regulations issued by the Metropolitan Board of Works in 1885. In these the lighting, ventilation, drainage, water supply, and general cleanliness of cowsheds and dairies are dealt with in considerable detail. As regards drainage, it is required in the case of a cowshed that the gully receiving the drainage is to be placed, where practicable, outside the shed, and in the case of a dairy the gully must, in all cases, be placed outside. The regulations are administered by the Borough Councils; special regulations apply in the City. Dairymen are required to be registered by the sanitary authority, and such authority has power, under section 5 of the London County Council (General Powers) Act, 1908, to remove from the register a dairyman carrying on business in unsuitable premises, and to refuse to register a person who proposes to use unsuitable premises.

Premises used for Sale of Food must comply with the sanitary requirements contained in section 8 of the 1908 General Powers Act.

Remedying and Prevention of Nuisances.

Statutory Nuisances. The first eighteen sections of the Public Health (London) Act, 1891, deal with the question of nuisances and the measures to be adopted by the sanitary authority for remedying them. Statutory nuisances arise as follows:—

- (1) where premises are in such a state as to be a nuisance, or injurious or dangerous to health;
- (2) where any sanitary fitting, etc., is in such a state as to be a nuisance, or injurious or dangerous to health;
- (3) where any animal is kept in an unsuitable place or manner;
- (4) where any accumulation or deposit is injurious or dangerous to health;
- (5) where a house or part of a house is so overcrowded as to be injurious

or dangerous to the health of the inmates, whether or not members of the same family ;

(6) where water fittings are absent ;

(7) where any factory, workshop or workplace which is not subject to the provisions of the Factory and Workshop Act, 1878 (now repealed and replaced by the Act of 1901) relating to cleanliness, ventilation, and overcrowding ; is

(a) not kept in a cleanly state ; or

(b) not ventilated in such a manner as to render harmless, as far as practicable, any injurious or dangerous impurities generated in the course of the work ; or

(c) so overcrowded as to be injurious or dangerous to the health of those employed therein.

438 (8) where any occupied house has not a proper and sufficient supply of water (see section 48 of Act of 1891).

424 Action by the sanitary authority with a view to secure as far as possible the remedying of a nuisance must commence with a notice, served on the person responsible for the nuisance, or, if he cannot be found, on the occupier or owner of the premises. The notice must require the abatement of the nuisance within a specified time, and, if the sanitary authority consider it desirable, the notice may specify any works to be executed.

If the nuisance is not abated, or if in the opinion of the sanitary authority it is likely to recur on the same premises, a complaint may be made to a police Court, and the Court may make an order :

(1) requiring the abatement of the nuisance—termed an “abatement order” ; or

(2) prohibiting the recurrence of the nuisance—termed a “prohibition order” ; or

(3) in the case of a dwelling-house, prohibiting such dwelling-house from being used for human habitation—termed a “closing order” ; or

(4) a combination of (1), (2) or (3).

An abatement or prohibition order, if the persons on whom the order is made so requires, or the Court considers it desirable, must specify the works to be executed for the purpose of abating, or preventing the recurrence of the nuisance. A police Court magistrate, if satisfied that a dwelling-house has been rendered fit for habitation, may declare that he is satisfied and cancel any closing order which may have been made. There is the right of appeal to the Quarter Sessions in the case of a prohibition or closing order, or an order requiring the execution of structural works.

431 In addition to the foregoing nuisances, section 22 of the Act provides that any premises used by a local authority for the treatment or disposal of street or house refuse, if a nuisance or injurious to health, will constitute a statutory nuisance. Proceedings in such a case are to be instituted by the County Council, which in this case is deemed to be the sanitary authority.

558 Under section 22 of the London County Council (General Powers) Act, 1904, a sanitary authority may require the removal or reconstruction of a sanitary convenience accessible from a street, if such is a nuisance or offensive to public decency.

Closing Order by Local Authority. The provisions of the Public Health (London) Act as to closing orders are greatly extended by the Housing and Town Planning Act, 1909. Under the provisions of section 17 of this Act the local authority must itself make a closing order in respect of a dwelling-house "in a state so dangerous or injurious to health as to be unfit for human habitation," and three months after the date of a closing order the local authority may, under section 18, make a demolition order. There is, however, a right of appeal to the Local Government Board in both cases, and also in a case where a local authority does not determine a closing order when premises are alleged to have been rendered fit for human habitation. Appeal in the case of a demolition order is required to be made within 21 days after the order is served, and in the case of a closing order within 14 days. Section 39 provides that the Local Government Board may not dismiss an appeal without having first held a public local inquiry. It is noteworthy that under section 43 of the Act there is a general prohibition of back-to-back houses, to be used as dwellings for the working classes.

Closing of Polluted Wells. Section 54 of the Public Health (London) Act, 1891, provides that, if a complaint is made to a sanitary authority to the effect that the water from a well, tank, cistern, or pump which is, or is likely to be, used for drinking or domestic purposes, or for the manufacture of any drink, is, or is likely to be, polluted, such authority shall have power to bring the matter before a police Court. The Court, after hearing the owner of the well, etc., or after having given him the opportunity of being heard, may make an order for the temporary or permanent closing of the well, tank, cistern, or pump, or may make such order as appears to be necessary to prevent danger to health. The Court may, if it think fit, cause the water complained of to be analysed at the cost of the sanitary authority.

Removal of Refuse. Refuse is classed by the Public Health (London) Act, 1891, in three divisions, namely, as house refuse, trade refuse, and street refuse, each of which is defined in section 141 of the Act. House refuse and street refuse are required to be removed by the local sanitary authority; trade refuse is also removable by such authority at the option and at the cost of the owner or occupier of the premises, any question as to the sum payable for the removal of trade refuse being determined by a police Court magistrate. By-laws specifying the duties and liabilities of, respectively, the sanitary authority and occupiers of premises, in relation to the general removal of refuse outside the City, have been made by the County Council.

Question of House or Trade Refuse. There has been a considerable amount of contention as to the applicability of the terms "house refuse" and "trade refuse" in London. The definitions as given in section 141 of the 1891 Act are as follows:—"The expression 'house refuse' means ashes, cinders, breeze, rubbish, night-soil, and filth, but does not include trade refuse: the expression 'trade refuse' means the refuse of any trade, manufacture, or business, or of any building materials." Section 33 of the Act provides that a police Court magistrate may determine whether any material in dispute is trade refuse, and his decision is stated to be final. In *Westminster*

City Council v. Gordon Hotels, Ltd. [(1908) A. C. 142] the House of Lords upheld the decision of a magistrate that certain refuse from a large hotel was house refuse. A magistrate's decision, however, seems liable to be set aside by a higher Court if, in the opinion of the Court, he has made a mistake upon a point of law. In the case of *Lyons & Co. v. Corporation of the City of London* [(1909) 2 K. B. 588] the determination of an alderman that certain refuse from a restaurant was trade refuse was reversed by the High Court, because it appeared from the statement of case that the alderman's decision was based on the fact that the refuse was not produced in a house. The judges stated that the point to be considered was not the premises in which the refuse was produced, but the character of the refuse. On this basis the High Court held that the refuse, which consisted of ashes, kitchen scrapings, and sweepings from rooms, was house refuse. These two foregoing cases have a very important bearing on the question of house or trade refuse.

By-laws of Sanitary Authorities. It has been stated that by-laws as to houses let in lodgings have been made and are administered by the various Borough Councils. By-laws affecting various other matters have been
 428 similarly made under the Act of 1891 and are similarly administered. These deal with the prevention of nuisances from materials in streets, and from offensive matter running out of any factory, brewery, or slaughter-house, etc., the keeping of animals on premises, the paving of yards and open spaces
 438 about dwelling-houses, the cleanliness of water tanks and cisterns, and the
 435 supply of water to water-closets.

Disused Burial Grounds. Section 3 of the Disused Burial Grounds Act, 1884, provides that it is unlawful to erect any building upon a disused burial ground, except for the purpose of enlarging a church, chapel, meeting-house, or other place of worship. The expression "disused burial ground" as
 448 defined in section 2 of the Act is amended by section 4 of the Open Spaces Act, 1887, an Act which is itself wholly repealed except the portion which amends the Disused Burial Grounds Act, 1884. The amendment consists in the definition of a disused burial ground as "any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council," and it is also provided that "the expression 'building' shall include any temporary or movable building." The case of *Attorney-General v. Trustees of London Parochial Charities* [(1896) 1 Ch. 541] is of interest with regard to questions of the application of the Disused Burial Grounds Act, 1884.

Under the provisions of section 49 of the London County Council (General Powers) Act, 1897, the County Council, and also any Borough Council with the consent of the County Council, may erect sheds on disused burial grounds for the protection of plants and gardening implements. Further, under
 529 section 29 of the General Powers Act of 1900, the County Council and Borough Councils respectively have similar rights to erect lavatories and sanitary conveniences, but such rights may not be exercised in respect of any disused burial ground which has been consecrated, until a faculty has been obtained from the Bishop's Court of the Diocese.

Principal Law Cases.¹

(Those referred to in text of Division II. have page references in the margin.)

Formation of Streets.

Q. B. 1885	. . .	M.B.W. v. Nathan		54 L. T. 423.	
Q. B. 1890	. . .	Daw & Son v. L.C.C.		62 L. T. 937.	
Q. B. 1892	. . .	L.C.C. v. Edmondson & Sons		66 L. T. 200.	
Q. B. 1895	. . .	L.C.C. v. Davis		59 J. P. 583.	
Q. B. 1895	. . .	Carter Wood v. L.C.C.		73 L. T. 313.	16
Q. B. 1898	. . .	Woodham v. L.C.C.		(1898) 1 Q. B. 863.	20
Q. B. 1899	. . .	Armstrong v. L.C.C.		(1900) 1 Q. B. 416.	17
Q. B. 1899	. . .	L.C.C. v. Dixon		(1899) 1 Q. B. 496.	18
K. B. 1904	. . .	L.C.C. v. Davis		91 L. T. 555, and 1	17
				A. L. R. 103.	
K. B. 1905	. . .	L.C.C. v. Heathman		69 J. P. 222, and 2	
				A. L. R. 134.	
K. B. 1905	. . .	L.C.C. v. Collins		93 L. T. 540.	
K. B. 1905	. . .	L.C.C. v. King		69 J. P. 406.	

Question of "New Street" under Metropolis Management Acts.

Q. B. (C. A.) 1892	. . .	Vestry of St. Giles, Camberwell v. Crystal Palace Co.		(1892) 2 Q. B. 33.	
Q. B. 1896	. . .	Vestry of St. Mary, Battersea v. Palmer and Another		(1897) 1 Q. B. 220.	
Q. B. 1896	. . .	White v. Fulham Vestry		74 L. T. 425.	
Q. B. 1897	. . .	Arter v. Hammersmith Vestry		(1897) 1 Q. B. 646.	
Q. B. (C. A.) 1899	. . .	Allen and Others v. Fulham Vestry		(1899) 1 Q. B. 681.	
Q. B. 1900	. . .	Simmonds Bros. and Others v. Fulham Vestry		(1900) 2 Q. B. 188.	
Q. B. (C. A.) 1902	. . .	Property Exchange, Ltd. v. Wandsworth Board of Works		(1902) 2 K. B. 61.	23

Cases of Street Widening under Michael Angelo Taylor's Act.

Q. B. 1894	. . .	Gordon and Others v. Vestry of St. Mary Abbot, Kensington		(1894) 2 Q. B. 742.	23
Ch. 1899	. . .	Aldis v. Corporation of the City of London		(1899) 2 Ch. 169.	23
Ch. 1900	. . .	Gibbon v. Paddington Vestry		(1900) 2 Ch. 794.	
Ch. 1900	. . .	Fernley v. Limehouse Board of Works		82 L. T. 524.	
Ch. 1904	. . .	Parry v. Hammersmith Borough Council		92 L. T. 161.	
Ch. 1905	. . .	Pescod v. Westminster City Council		(1905) 2 Ch. 475, and	
				2 A. L. R. 244.	
Ch. 1905	. . .	Thompson and Another v. Hammersmith Borough Council		(1906) 1 Ch. 299.	
Ch. 1906	. . .	Denman & Co. v. Westminster City Council		(1906) 1 Ch. 464.	

Question of Sewer or Drain.

Ch. (C. A.) 1886	. . .	Bateman v. Poplar District Board of Works		33 Ch. D. 360.	33
Q. B. (C. A.) 1894	. . .	Vestry of St. Martin-in-the-Fields v. Bird		(1895) 1 Q. B. 428.	33
Ch. 1895	. . .	Florence v. Paddington Vestry		12 T. L. R. 30.	

¹ For meaning of abbreviations, see page 63.

33	Q. B. (C. A.) 1895 .	Pilbrow v. Vestry of St. Leonard, Shoreditch	(1895) 1 Q. B. 433.
35	Q. B. (C. A.) 1895 .	Kershaw v. Taylor	(1895) 2 Q. B. 471.
	Q. B. 1896	Vestry of St. Leonard, Shoreditch v. Phelan	(1896) 1 Q. B. 533.
	Q. B. 1897	Holland v. Lazarus	66 L. J. Q. B. 285.
34	Q. B. 1898	Geen v. Vestry of St. Mary, Newington	(1898) 2 Q. B. 1.
34	Q. B. 1899	Greater London Property Co. v. Foot	(1899) 1 Q. B. 972.
	K. B. 1901	Stokes v. Haydon	84 L. T. 531.
	K. B. 1902	Gorringe v. Shoreditch Borough Council	86 L. T. 592.
35	K. B. (C. A.) 1903 .	Silles v. Fulham Borough Council	(1903) 1 K. B. 829.
35	K. B. 1903	High v. Billings	67 J. P. 388.
	K. B. 1904	Heaver and Others v. Fulham Borough Council	(1904) 2 K. B. 383, and 2 A. L. R. 169.
	K. B. 1906	Harvey v. Busby	95 L. T. 91, and 3 A. L. R. 134.
	K. B. 1907	Harvey v. Jaye	97 L. T. 543, and 3 A. L. R. 159.

Provision of Sanitary Fittings.

	K. B. 1903	Nokes and Another v. Islington Borough Council	(1904) 1 K. B. 610, and 2 A. L. R. 144.
43	K. B. 1904	Treasure & Co. v. Bermondsey Borough Council	68 J. P. 206, and 2 A. L. R. 164.

Responsibility for Defective Sanitary Work.

	K. B. 1909	Kershaw v. Brooks	(1909) 2 K. B. 265.
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Dwelling-houses on Low-Lying Land.

38	K. B. 1903	Ellis v. L.C.C.	(1904) 1 K. B. 283, and 1 A. L. R. 86.
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Question of Common Lodging-house.

52	Ch. (C. A.) 1905	Parker v. Talbot	(1905) 2 Ch. 643.
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Question of House or Trade Refuse.

59	K. B. (H. L.) 1908 .	Westminster City Council v. Gordon Hotels, Ltd.	(1908) A. C. 142.
60	K. B. 1909	Lyons & Co. v. Corporation of the City of London	(1909) 2 K. B. 588

Question of Disused Burial Ground.

60	Ch. 1896	Attorney-General v. Trustees of London Parochial Charities	(1896) 1 Ch. 541.
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Explanation of Case References.*General.*

The method of referencing consists in giving (1) the Court in which the case was tried ; (2) the year in which the case was contested ; (3) the names of the parties ; and (4) the volume and the page on which the report of the case will be found. Where cases are reported in the Architects' Law Reports, references are given to these reports as well as to the ordinary law reports.

Members of the Surveyors' Institution will find that most of the volumes here mentioned can be consulted in the library of the Institution.

Abbreviations.

(In reference to the Courts.)

Q. B. (or K. B.)	Queen's (or King's) Bench Division.
Ch.	Chancery Division.
Ch. A.	Court of Appeal in Chancery (1866-1875).
(C. A.) or (H. L.)	Following either Q. B., K. B., or Ch., denotes an appeal case from the Court indicated, before either the Court of Appeal or the House of Lords.

Abbreviations.

(In reference to the Reports.)

Q. B. (or K. B.)	Law Reports, Queen's (or King's) Bench Division.
Ch.	Law Reports, Chancery Division.
A. C.	Law Reports, Appeal case before House of Lords.
Q. B. D.	Law Reports, Queen's Bench Division, until 1891, from which date reports have been cited by their year of issue.
Ch. D.	Law Reports, Chancery Division until 1891, from which date reports have been cited by their year of issue.
Ch. A.	Law Reports, Chancery Appeal cases.
App. Cas.	Law Reports, Appeal case before House of Lords prior to 1891.
L. T.	Law Times Reports.
L. J.	Law Journal Reports, followed by letters Q. B., K. B., etc., denoting division.
J. P.	Justice of the Peace.
T. L. R.	Times Law Reports.
S. J.	Solicitors' Journal.
A. L. R.	Architects' Law Reports.

DIVISION III

FRONTAGE LINES, AIR SPACE, AND HEIGHT

CHAPTER 6

PRESCRIBED DISTANCE, LINES OF BUILDING FRONTAGE, AND PROJECTIONS

Frontage of Buildings to Streets. The law in London with regard to the erection of buildings in relation to the streets upon which they abut is contained in Parts II. and III. of the Building Act of 1894. The "prescribed distance" provisions of Part II., as amended by section 4 of the 1898 Amendment of the Building Act, apply throughout the whole of London, with a modification in the City as regards the erection of dwelling-houses to be inhabited, or adapted to be inhabited, by persons of the working class. Part III., which deals with the question of the general line of buildings, does not apply at all in the City. As a supplement to the provisions dealing directly with the erection of buildings in relation to streets, there are those of section 73 of the 1894 Building Act as regards projections from buildings. Section 73 deals both generally with the subject of projections and especially with projections in advance of the general line of buildings.

As Part III. of the Act does not apply in the City, it seems probable that those provisions of section 73 which have reference to projections in advance of the general line of buildings do not apply in that area.

Question of "Highway." It is important to note that the prescribed distance provisions of the 1894 Act which principally operate in a restrictive manner are those having reference to buildings abutting on highways; the provisions relating to buildings abutting on ways need not receive so much attention. It is an equally important fact that the provisions of section 22 in relation to the erection of buildings in advance of the general line of buildings apply only, at any rate in all ordinary cases, to buildings abutting on highways. There is no definition of the term "highway" in the Act. In the case of the formation of a new street one of the Council's usual conditions of consent is that the street shall be thrown open to the public as a highway. But as this condition is not one of the standard requirements in section 9, it would appear that the Council have no power to enforce the acceptance of such a condition, if the owner objects, and is complying in every respect with the standard requirements of section 9. In the event of

there being no condition that the street shall be laid out as a highway, it seems uncertain whether the fact of the street having been formed under the 1894 Act would be sufficient to render the provisions of sections 13 and 22 applicable to buildings erected on the side of such street. The case appears to be one for legal opinion. As regards an old street, the question of whether its regular use by the public has been prevented by gates, or by the periodic placing of a barrier across the entrances, is usually considered of importance in the determination of whether the street is a highway.

Prescribed Distance.

Definitions. Before dealing with the provisions of the 1894 Building Act as regards the keeping of buildings the prescribed distance from the centre of the roadway, it is necessary to consider the two definitions involved. **Prescribed distance** is defined in section 5 (5) of the Act to mean 20 ft. 454 from the centre of the roadway where the roadway is used for carriage traffic, and 10 ft. from the centre of the roadway where the roadway is used for foot traffic only. The term **centre of the roadway** is defined in the following manner:—

- (a) Where the centre of the roadway has been ascertained or defined by the Council or the superintending architect, the centre as so ascertained or defined.
- (b) Where the centre of the roadway has not been defined, and the roadway has been widened since the 22nd July, 1878, the centre of the roadway as existing immediately previous to such widening.
- (c) Where the centre of the roadway has not been defined, and the roadway has not been widened since the 22nd July, 1878, the centre of the existing roadway.

Cases (b) and (c) are those that are principally met with in practice. Although the Council, under the London County Council (General Powers) Act, 1890, were given power to define the centre of a roadway in the case of a street laid out after the commencement of that Act, and this power was given to the superintending architect, in the place of the Council, by section 5 of the 1894 Building Act, it has been rarely put in force. The case of a street having been widened since 1878 is, however, of comparatively frequent occurrence, and the special definition of "centre of the roadway" which applies in such a case should not be lost sight of in practice.

Prescribed Distance in Relation to Highways. Section 13 of the 1894 Building Act contains the principal prescribed distance provisions of the Act. It is there provided that, except with the consent of the Council, no person 459 may erect or extend any building or structure or any part thereof in such a manner that any external wall of such building or structure is in any direction at a distance less than the prescribed distance from the centre of the roadway of any street or way, being a highway. This requirement is also stated to apply to any part of an external fence or boundary of a fore-court or other space, between an external wall of a building and a highway. 624

Section 14 of the Act having been found to be inoperative in *London County Council v. Aylesbury Dairy Company* [(1898) 1 Q. B. 106] to obtain the removal of an old wall within the prescribed distance, bounding land upon part of which new buildings had been erected, this section was repealed by the 1898 Amendment of the Building Act, and section 3 of that Act enacted in its place.

Scope of the Prescribed Distance Provisions. The operation of the provisions of section 13 is quite clear as regards the erection of buildings and of structures of considerable size. But when the application of the prescribed distance provisions to the fences or boundaries of forecourts or other spaces are considered, a proper understanding is much more difficult. It was apparently considered by the Council that powers were provided in section 3 of the 1898 Amendment to obtain the setting back of an old boundary wall within the prescribed distance in any case where, by the erection of a building at the back of such wall, a forecourt or other space between such wall and the building might be considered to have been created. But it was decided by the High Court in *Rea v. London County Council (Builder, 10th Feb., 1911)* that the setting back of an old boundary wall within the prescribed distance could not be required. There are also certain difficulties in the application of the law to the case of new boundary walls within the prescribed distance. From the strict wording of section 13 it apparently can be contended that the section applies only to a fence or boundary wall exactly in front of the external wall of a building. Presumably, however, a little more extended application must be admitted, as otherwise a very unsatisfactory irregular line of enclosure walling would result. Yet, on the other hand, if a building having a front wall measuring, for instance, 30 ft. in length were erected on a site having a frontage of several hundred feet to the roadway, the enclosure wall for the whole of the frontage of the site obviously could not be termed "the external fence or boundary of such forecourt or other space." It is apparently a question of degree. Then there is the question of the distance within which a building must approach a street to bring the enclosure wall within the scope of the section. This again is surely a question of degree.

It is sometimes, I believe, contended that the words "in any direction" admit of the prescribed distance provisions being applied at the end of a *cul de sac*, but it is to be noted that the definition of the centre of the roadway varies in accordance with whether or not the roadway has been widened since 1878, and hence a measurement at right angles to the course of the street would seem to be contemplated.

Increased Prescribed Distance. The County Council have power, where deemed expedient in the public interest, to determine in the case of a carriage-traffic street of importance, that the prescribed distance shall be some greater distance than 20 ft. up to a maximum of 30 ft. This right does not apply to any street or way within two miles of St. Paul's Cathedral, and also under the provisions of section 15 of the Act the Council are required, in any case where the prescribed distance is made more than 20 ft., to pay compensation to the owner of the land or buildings affected by such greater width. Any person proposing to build who is dissatisfied with the increase in the prescribed dis-

tance may appeal to the Tribunal of Appeal. This provision as to increased prescribed distance has been rarely, if ever, enforced.

Rights of Consent and Appeal. It is specially provided in section 13 (4) that the Council may consent, conditionally or otherwise, to the erection, formation, or extension of any building, structure, forecourt or space at a distance less than the prescribed distance from the centre of the roadway, and that any person dissatisfied with the determination of the Council under this sub-section may appeal to the Tribunal of Appeal. As applications to the Council under section 13 of the 1894 Building Act are of almost daily occurrence, and appeals under this section are most infrequent, it is probable that this right of appeal is not very widely known. This may be accounted for by the fact that in section 19, where the general rights of appeal under Part II. of the Act are set forth, no mention is made of the right of appeal to the Tribunal under section 13 (4). 462

It is of the highest importance that application should be made before the erection of any structure within the prescribed distance is commenced, for it was decided in *Reg. v. London County Council, ex parte Webster* (1897, 76 L. T. 472) that it was not possible to obtain a mandamus to compel the Council to determine an application for their consent to a building within the prescribed distance after the building had been erected. If in a case of this kind the Council refuse to determine an application, there will be no right of appeal to the Tribunal, and action can be taken by the Council to obtain the removal of such portion of the structure as is within the prescribed distance.

Erection of Buildings on Old Sites. Sub-section 5 of section 13 contains most important provisions with regard to the re-erection of existing buildings and structures within the prescribed distance. It is there provided that where a person intends to alter or re-erect a building or structure which was in existence either at the commencement of the Act (the 1st of January, 1895), or at any time within 7 years previously, and which does not comply with the provisions of section 13, he can do so on complying with certain specified conditions. These consist in the preparation of plans showing the extent of the building or structure, and the extent of the forecourt or other open space between the external wall and the roadway, and the obtaining of a certificate from the district surveyor as to the correctness of the plans. For this certificate a charge of two guineas for each building or structure certified is made by the district surveyor. If the district surveyor will not certify the plans, it is possible to appeal to the Tribunal of Appeal, which body has power to certify if convinced of the accuracy of the plans. Upon the plans having been certified, it is lawful to erect any class of buildings on the site of the old buildings provided that no hitherto unbuilt on land within the prescribed distance is utilised; but if the buildings are dwelling-houses for the working classes, restrictions as to the height of the buildings will apply. The difficulty of obtaining absolutely accurate plans is recognised, for it is specially provided that where the buildings ceased to exist before the commencement of the Act, or have since been accidentally destroyed, the plans to be submitted are "the best plans available under all the circumstances of the case," and the district 522

surveyor, "if reasonably satisfied with the evidence of their accuracy," is to certify such plans.

A Ground Plan only Required. It was decided in the case of *London County Council v. Patman and Fotheringham* (1903, 67 J. P. 285) that the plan required to be submitted under section 13 was a ground plan only. In this case the defendants, a firm of builders, had commenced to erect a factory over 50 ft. in height, within the prescribed distance on the site of six dwelling-houses, plans of which had been certified by the district surveyor. It was held that the defendants were quite within their rights in so doing. Lord Alverstone stated, "The plan which has to be provided is a plan which will show the extent of the building, and the extent of the forecourt or other open space . . . it seems to me that the manifest intention of the section is to deal with the ground area and the ground area only." The importance of this decision does not lie in the mere fact that the plan which is required to be submitted is of a very simple character, but that, as the height of the old buildings is not considered by the section, there is no limitation, other than the general requirements of the Act, to the height of the new buildings, provided that they are not dwelling-houses to be inhabited, or adapted to be inhabited, by persons of the working class. The effect of this decision, I am sure is not sufficiently appreciated, for applications for permission to re-erect ordinary buildings of increased height within the prescribed distance are occasionally considered, and, in due course, approved by the Council. On the strength of *London County Council v. Patman and Fotheringham* such applications appear to be unnecessary.

Erection of Working Class Dwellings. It is specially provided that, notwithstanding the provisions as to the re-erection of buildings within the prescribed distance, no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class may, without the consent of the Council, be erected or re-erected within the prescribed distance in the City, and within 20 ft. from the centre of the roadway in the rest of London, to a height exceeding the distance of the front or nearest external wall of the building from the opposite side of the street. The re-erection of any such dwelling-house erected previously to the passing of the Act by a local authority is, however, permitted. More detailed reference to the question of the erection of working class dwellings will be made in Chapter 8.

Lines of Building Frontage.

The Position in the City. It has already been stated that Part III. of the 1894 Building Act with regard to lines of building frontage does not apply in the City, but, in view of the importance of the fact, further emphasis may be pardoned. The special requirements of the City of London Sewers Acts, 1848 and 1851, with regard to projections, will be dealt with in Chapter 16, which is devoted entirely to the law in the City.

Buildings to be kept to the General Line. The important provisions of section 22 of the 1894 Building Act are perhaps rather difficult to be grasped by a person who, for the first time, reads the section through. But by a

little re-arrangement they may be put quite clearly. The general line of buildings in any highway is determined by the certificate of the superintending architect, which must be issued within one month of an application being made for it. Any person aggrieved by the certificate of the superintending architect may appeal to the Tribunal of Appeal. The position of the general line governs the erection of new buildings. There are two classes of case, as follows, when :

- (1) The distance of the general line of buildings from the highway does not exceed 50 ft.
- (2) The distance of the line of buildings from the highway amounts to or exceeds 50 ft.

It is provided as to the first class that, except with the consent of the Council, no building or structure may be erected beyond the general line of buildings in any street, or part of a street, place or row of houses in which the same is situate. It is provided as to the second class—where the line of buildings is 50 ft. or more from the highway—that, except with the consent of the Council, no building or structure may be erected within 50 ft. of the highway. Under the provisions of sub-section 2, however, buildings erected on the sites of certain previously existing buildings are exempt from the scope of the section. The powers of railway companies are preserved by section 31. 463 464

Determination of the General Line. It is provided in section 24 that the superintending architect, within 14 days after the issue of his certificate as to the general line of buildings in any street, must cause a notice of his certificate to be served on the local authority, and on the owner of the building or land to which the certificate relates, and on the owners of the houses in the same block or row within a distance not exceeding 50 yds. on either side of such building or land, or where there is no such block or row, upon the owner of the adjoining land on either side of the building or land to which the certificate relates. It would appear from this section that it is the intention of the Act for the general line to be defined in regard to some particular building or land. It is assumed, presumably, that the person requiring the general line to be defined is one who desires to be informed of the position of the general line because of his interest in property which is affected by such line. Certificates as to general lines of buildings are required to be preserved by the Council and are open for inspection at the County Hall.

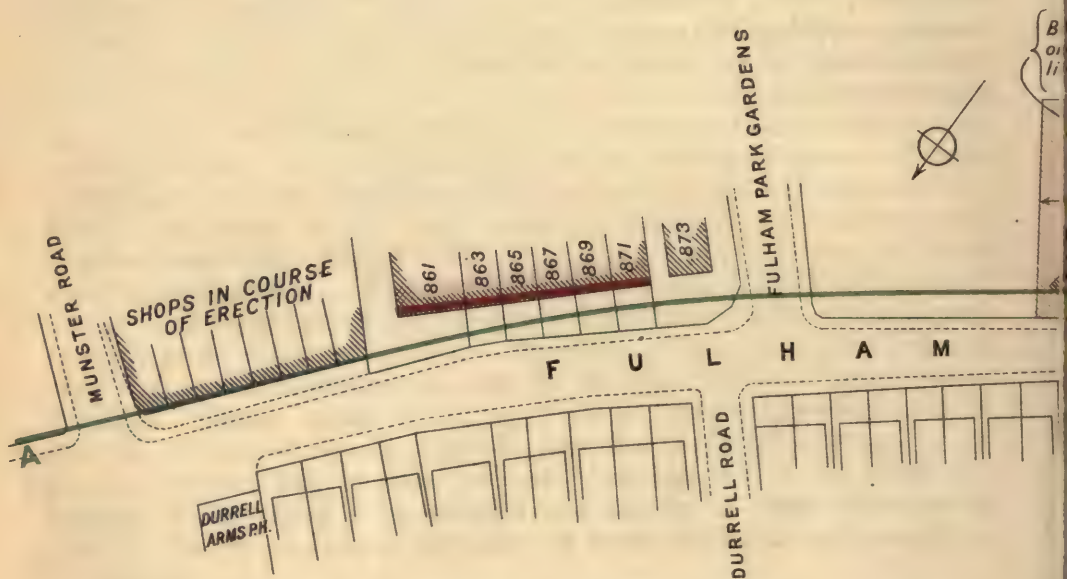
The Position of the Line a Question of Fact. A study of the Act and the numerous cases which have been decided in the Courts will evidence quite clearly that the duty of the superintending architect, or upon appeal the Tribunal, is not to lay down a building line, but to determine the position of a general line of buildings which is already in existence. The point to be determined is one of fact, and one which is required to be considered without any reference to the consequences which a decision will entail. I doubt whether this important aspect of the case is as much appreciated as it should be, for, in cases where the Tribunal of Appeal have not upheld the certificate of the superintending architect, and have defined the general line of buildings in

a position which has happened to be more favourable to private interests, one has sometimes heard it stated that the Tribunal are not in a position to appreciate the importance of the public interests involved. Any person who cares to read Mr. Justice Wills' remarks in the case termed *In re London County Council and the London Building Act, 1894* (1904, 91 L. T. 501), will there find a very strong indictment of the view that the interests of any person or body should be considered by the superintending architect or the Tribunal when defining the general line of buildings.

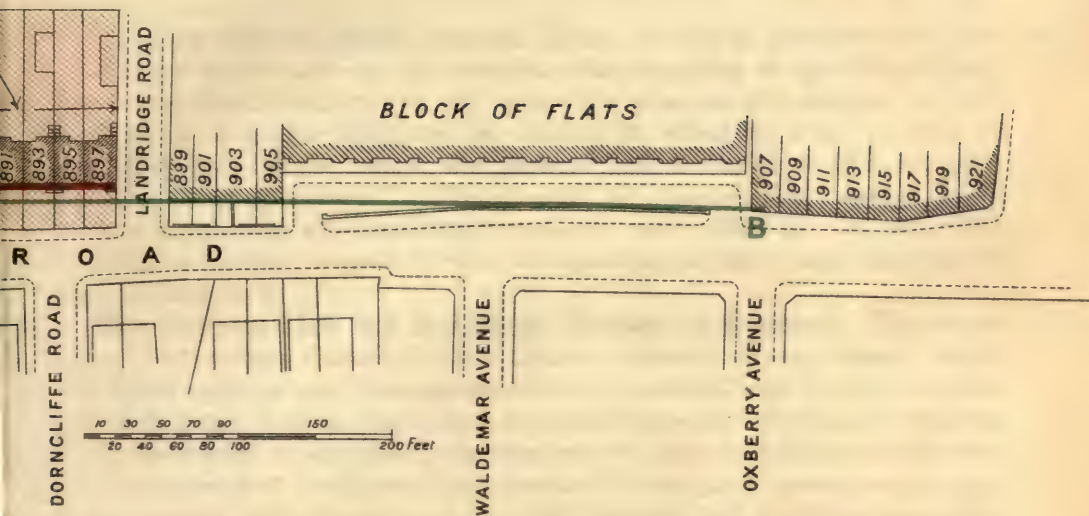
The Forming of a General Line. In the majority of London streets the general line of buildings is already formed, although as the general line has been defined in only a relatively small number of streets, the position of the line in any particular street is usually uncertain, until proper measures have been taken to get the line defined. On a side of a highway upon which there are no buildings, the general line will be formed by the first person who erects buildings. The number of buildings necessary to constitute a general line is presumably a question of fact to be determined by the superintending architect or, upon appeal, by the Tribunal. The fact that the first buildings form the line operates rather unfavourably in developing building sites on new secondary streets. It is usually desired to project the flanks of corner buildings which front to a main street some little in advance of the building line proposed to be formed in the return street. Consequently it is becoming the practice to erect these corner buildings first, for if a general line of buildings were first formed in the return street, the flanks of the corner buildings could not be erected in advance of such general line without the consent of the County Council, which might be withheld. From the estate development point of view it is most undesirable to erect in the first instance isolated corner buildings. Having regard to the fact that the person who first builds on the side of a street has the right to form the building line wherever he pleases, provided that he does not erect buildings within the prescribed distance of the centre of the roadway, the making of some arrangement with the Council as regards the flanks of corner buildings ought surely to be possible.

Length of Line to be Taken as "General Line." In streets, of which there are a large number, where the building line is for a certain length brought forward, then recessed, brought forward again, and so on, the position of the general line will naturally depend to a very considerable extent on the length of street which is taken into consideration. It was laid down by the High Court in the case of *In re London County Council and the London Building Act, 1894* (1904, 91 L. T. 501), that the question of the length of street to be considered was one left to the discretion of the superintending architect or, upon appeal, to the discretion of the Tribunal, and that it was quite admissible for the Tribunal to consider a greater or lesser length of street than that covered by the superintending architect's certificate. This case was one stated by the Tribunal of Appeal for the opinion of the High Court, and had reference to the general line of buildings on the south-east side of Fulham Road. An illustration of the length of road affected is given, the red line denoting the line defined by the superintending architect, and the





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green line AB the line defined by the Tribunal of Appeal. The buildings in respect of which the general line was required to be defined were the five buildings numbered 889 to 897 (odd numbers), which are situated to the north-east of Landridge Road. It will be noted that the Tribunal considered a very much greater length of street than the superintending architect. In addition to the question of the length of street to be taken into consideration, as regards which the action of the Tribunal was upheld, the legality of the line laid down by the Tribunal was questioned, because for a portion of its length it coincided with the main fronts of buildings to the south-west of Munster Road, which buildings were being erected in accordance with a consent by the Council under section 22. It was contended on behalf of the Council that the provisions of section 27 rendered it necessary, in determining the general line, to consider the circumstances of the case as existing prior to the erection of these buildings. Mr. Justice Wills stated that there was nothing to show that, with the buildings as existing prior to this alteration of circumstance, the Tribunal would not have come to the same decision with regard to the position of the general line.

Consent not to Affect General Line. Section 27 provides that “the consent by the Council to the erection of any building or structure beyond the general line of buildings in any part of a street or the erection of such building or structure shall not be deemed to affect or alter in that or any other part of the street the general line of buildings as existing at the time of such consent.” The Council are required by section 28 to keep a register of all conditional consents under Part III. of the 1894 Building Act, which register is open for inspection at the County Hall by all persons interested. 464

The General Line and Buildings Erected by Consent. The recent case of *Metropolitan Railway Co. and Others v. London County Council*, which was heard together with *Fleming and Others v. London County Council*, and has now been finally decided, had reference to the important question of whether buildings erected in advance of the then general line of buildings in Euston Road by consent of the Metropolitan Board of Works, and consequently prior to the coming into operation of the 1894 Building Act, should be taken into consideration by the superintending architect and the Tribunal of Appeal in determining the position of the general line. The Divisional Court held that such buildings should be taken into consideration, but on the strength of sections 27 and 216 of the 1894 Building Act, this decision was reversed by the Court of Appeal [(1909) 2 K. B. 317 and 4 A. L. R. 87]. This reversal of the decision of the Divisional Court was not unanimously effected, one of the three judges of the Court of Appeal taking the opposite view. Upon the case being taken to the House of Lords, the decision of the Court of Appeal was upheld [(1911) A. C. 1]. The very important practical point in question is that, since it would appear that buildings erected under “general line” consents, whether given under the 1894 Building Act or the previous Acts, are not to be taken into account in determining the position of the general line, the line will in not a few instances be defined at a greater distance from the roadway than would otherwise have been the 464
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case, and many owners will find that their presumed rights of re-erection are non-existent.

Conclusive Effect of Certificate. Once a certificate has been issued with regard to a certain length of street, and no appeal is made therefrom, the certificate remains in force so long as there is no change of circumstances to affect the general line. This was made quite clear in the recent case of *Lilley and Others v. L. C. C.* [(1910) A. C. 1]. The facts of this case were that in 1898 the late superintending architect defined the general line of buildings for a certain length in Pentonville Road. In 1906 the present superintending architect was requested to define the line with regard to a building in this street. He defined a line coinciding in position for a part of its length with that defined in 1898, but extending throughout a greater length of street. This certificate of 1906 was appealed against, and the Tribunal of Appeal defined a line considerably in advance of that defined by the superintending architect. It was held in the House of Lords, affirming the decisions of the two Courts below, that, as there had been no alteration in circumstance, the certificate of 1898 still held good, and that the Tribunal of Appeal had no power to define a new line.

464 **Street or Streets in which a Building is Situated.** Section 29 provides that the superintending architect, if required by the Council, the local authority, or any person interested, is to certify in which street or streets a building or structure is situated. Any person aggrieved by such certificate may appeal to the Tribunal of Appeal. The provisions of this section are perhaps rather liable to mislead a person who is unfamiliar with the practice of building administration in London, by giving him the impression that a corner building may legally be situated in one street only. It has, however, been laid down in several legal decisions under provisions now repealed, that a corner building may be in both streets, and consequently be governed by the building lines of both streets. Under the provisions of the Act of 1894, the situation of a building in relation to the adjoining streets is entirely a question of fact to be settled by the superintending architect, or, upon appeal, by the Tribunal, but it is most unlikely that an ordinary corner building will be certified to be in a single street. Cases, however, may sometimes occur in which there is an obvious doubt as regards in which street or streets a building is situated. In such an event advantage may be taken of the provisions of this section.

463 **Conditions of Consent.** The Council, in giving their consent to the erection of a building or structure in advance of the general line of buildings may attach conditions to such consent which may include any or all of the following:—

- (1) That the land in front of the structure shall, to such an extent as the Council may think proper, be dedicated to and left open for the use of the public;
- (2) That the building or structure shall be used only for some specified purpose, unless with the further consent of the Council, and generally any other condition which the Council may deem it expedient to impose in the public interest.

The condition that land is to be dedicated and left open for the use of the public is a very common one. In such a case a question may arise as to the right of the owner to build under and insert pavement lights in the surface of land which has been thus dedicated. Should a condition prohibiting pavement lights be contained in the conditions of consent, there would certainly seem grounds for obtaining legal advice as to whether such a condition is one which the Council have the right to impose as being "in the public interest." Or, on the other hand, if no condition is made, and the local authority endeavour, under the Metropolis Management Acts, or, in the City, under the City of London Sewers Acts, to prohibit the construction of pavement lights, it would seem desirable in an important case to get legal advice as to whether they have any right to do so, if the surface of the land is dedicated to and left entirely open for the use of the public. In the case of *London County Council v. Best & Co.* (1893, 9 T. L. R. 499) it was held that the Council, under the provisions of the now repealed Metropolis Management and Building Acts (Amendment) Act of 1882, could not take exception to a cellar-flap in land which had been dedicated to the use of the public.

Erection of Buildings on Old Sites. Sub-section 2 of section 22 provides that the section is not to apply to any building or structure erected on land which, either at the date of the commencement of the Act (the 1st of January, 1895), or at any time within seven years previously, was lawfully occupied by a building or structure. The question of the re-erection of buildings in advance of the general line, which in other respects obviously come within the scope of sub-section 2 of section 22, is often greatly dependent on the proper construction of the words *lawfully occupied*. A study of the case of *Scott v. Carritt* (1900, 82 L. T. 67) greatly helps to elucidate the true meaning of this expression. In this case there were two buildings under consideration in Pentonville Road, each of which had projecting one-story portions in advance of the general line of buildings. The projecting portion of one building had been erected in 1858 in contravention of provisions that were subsequently repealed by the Metropolis Management Amendment Act, 1862; the projecting portion of the other building had been erected under a licence from the Metropolitan Board of Works, subject to a condition that it should not be altered or raised without consent. It was held that in the case of neither building was the land lawfully occupied within the meaning of section 22, and that the proposed re-erection of the projecting one-story portions to a height of three stories was not possible without the consent of the Council. It would thus appear that the sub-section giving the right of re-erection does not apply to a building erected in contravention of any law as to lines of building frontage which may have been in existence at the date of such erection, nor to a building erected under a consent of the Metropolitan Board of Works, or the London County Council, forbidding alteration.

Old Provisions as to Frontage. Having regard to the importance of the question of the lawful occupancy of building sites, the old provisions as to frontage lines require mention. The Metropolis Management Act, 1855, contained the first general provisions with regard to frontage. The requirements were similar to those of section 22 (1) of the present Building Act with the

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exception that the line was termed the regular line, that there was no provision as to the line being defined, and that the limiting distance was 30 ft. instead of the present 50 ft. The requirements of the Act of 1855 were
 370 repealed by the Metropolis Management Amendment Act, 1862, which Act contained provisions almost exactly similar to those of section 22 (1) of the
 524 present Act. Such provisions remained in force until January 1st, 1895, when they were replaced by those of the present Act. A few important roads in the metropolis were affected by frontage line provisions prior to 1855. An Act passed in 1756 (29 Geo. II., c. 88) provided that no building should be erected within 50 ft. of the new road extending from the Edgware Road to the Great Northern Road, Islington. Such road is now known throughout the three different portions of its length as Marylebone Road, Euston Road, and Pentonville Road. This provision was re-enacted in an Act passed in 1826 (7 Geo. IV., c. cxlii.), which Act also provided that no building should be erected on any new foundation within 40 ft. of the City Road. Only a summary of the requirements is here given, and should any question arise as to whether any old building fronting to any of these roads has been lawfully erected, the Acts themselves should of course be consulted.

The foregoing represents the old metropolitan law as to frontage lines, except in the City where the requirements are contained in the special City Acts, and except in those districts which at one time were not subject to the general metropolitan requirements. In those portions of Stoke Newington
 2 and Tooting which have been incorporated in the County since 1899, the frontage line requirements which applied prior to the inclusion of these districts in the County were those of the Public Health (Building in Streets) Act, 1888. This Act provides that, in any urban district, it is not lawful, without consent, to erect or bring forward any house or building in any street beyond the front main wall of the house or building on either side in the same street. Certain requirements as to frontage lines also existed in the Public Health Act, 1875, until the passing of the Act of 1888, but these were of somewhat restricted effect.¹ The question of whether the frontage line provisions of the Metropolis Management Acts applied in the parish of Wool-
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 355 } wick appears to be dependent on the construction of sections 143 and 238 of the Act of 1855. It is noteworthy that, although the former section appears among those which deal with the duties and powers of the Metropolitan Board of Works, the powers for the enforcement of its provisions rested with the vestries and district boards.

One-Story Projecting Shops. The question of the re-erection of buildings affects a very considerable number of one-story projecting shops throughout the metropolis. If it can be proved that the land occupied by such shops was,
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 463 } either on the 1st of January, 1895, or at any time within 7 years previously, occupied by a building or structure, the question as to the right of an owner to erect buildings on the land is dependent entirely on the lawfulness of the occupation of the land. If the buildings or structures on the land at such date were not erected in contravention of any law in force at the time of their erection, and not under any consent of a public authority prohibiting alteration,

¹ See Lumley's Public Health Acts.

the land would appear to have been lawfully occupied. Since, in such a case, there will apparently be nothing to prevent the re-erection of such one-story projecting shops, if thought desirable, to the general limit of height contained in the Act, it will be seen that the lawfulness or otherwise of the occupation of land may be a question of the highest importance in some instances. It will be noted that in the case of the re-erection of buildings in advance of the general line, certified plans are not required to be obtained as in the case of buildings re-erected within the prescribed distance.

Erections below Street Level. The provisions of Part III. of the 1894 Building Act being for the purpose of securing the regularity of building lines in streets, it does not seem unreasonable to suppose that the erection of a portion of a building below the level of the street will not contravene the provisions of the Act as to the keeping of new buildings to the general line. The Council have in a few cases dealt with applications for consent to the erection of basements projecting in advance of the general line above, but it seems questionable whether they have any power under Part III. of the Act to object to erections below the level of the street. Where the interests involved are important, legal opinion should certainly be obtained. 463

Structures in Advance of the General Line. As the provisions of section 22 refer not only to buildings, but structures, it is necessary to consider if there is any limitation to the class of structures, apart from buildings, the erection of which in advance of the general line will be a contravention of the Act. Cases of importance affecting this point were decided under the provisions of the Metropolis Management Amendment Act, 1862, which were repealed by the Act of 1894. In *Ellis v. Plumstead Board of Works* (1893, 68 L. T. 291) it was held that a 14-in. wall, 20 ft. long and 7 ft. 8 ins. high, erected almost at right angles to the general line, was a "building, structure, or erection" which contravened section 75 of the Act, for although the section did not prohibit the erection of a fence or boundary wall, the wall in question had not been erected with the *bonâ fide* intention of protecting the property from trespass. In the case of *Lavy v. London County Council* [(1895) 2 Q. B. 577] a 14-in. wall 11 ft. high erected in the place of an ordinary forecourt boundary wall was held to be a "building, structure, or erection" contravening the section. But it is to be noted that the word "erection" does not occur in the general line provisions of the Act of 1894, and even if the provisions of the two Acts were exactly the same, it could not be ascertained from the above two cases what form of structure, other than a low boundary fence, or wall, could lawfully be built in advance of the general line of buildings. It is presumably a question of size and importance; the erection, for instance, of such a structure as a small sundial would surely not constitute a contravention of the existing Act. 370

Setting Back of Projecting Buildings. Section 23 of the 1894 Building Act provides that, where any building or structure which projects beyond the general line of buildings in a street, or beyond the front of the building, wall, or railing on either side, is at any time taken down, destroyed, or demolished to an extent exceeding one-half of its cubical extent, it may be 463

required to be set back to such a line and in such a manner as the Council may direct. Compensation is then payable by the Council to the owner for any damage or expenses which he may sustain. This compensation, if not agreed upon, is to be recovered in a summary manner where the amount claimed does not exceed 50%.; where this amount is exceeded the question is to be settled by arbitration under the provisions of the Lands Clauses Acts. The expression "owner" has in such case the same meaning as in the Lands Clauses Acts. This is dealt with, together with the other definitions of the term "owner," in Chapter 2.

Projections.

Projections in Advance of the General Line. Those provisions of section 73 which deal with projections in advance of the general line of buildings, are supplementary to Part III. of the Act. Sub-section 8 of section 73 provides that except in so far as is permitted by that section "in the case of shop fronts and projecting windows, and with the exception of water-pipes and their appurtenances, copings, string courses, cornices, fascias, window-dressings and other like architectural decorations," no projection from any building may extend beyond the general line of buildings in any street except with the permission of the Council after they have consulted the local authority. Architects hardly seem to realise sufficiently the comparative liberty given them by the clause exempting architectural decorations, for applications are with comparative frequency made to the Council for consent to projections of an architectural character which could reasonably be considered to be covered by this clause. It will be noted that the sub-section, otherwise of a general character, contains specific references to the preceding provisions of the section as regards the erection of (1) shop fronts and (2) projecting windows in advance of the general line. The important provisions with regard to these two classes of projections require to be dealt with in detail.

Shop Fronts. Sub-section 3 of section 73 presumably overrides the provisions of section 22 in the case of shop fronts and allows the following projections:—

PROJECTION OF SHOP FRONTS.

	Maximum Projection of Shop Front.	Maximum Projection of Cornice.
In a street or way not exceeding 30 ft. in width	5 inches.	13 inches.
In a street or way exceeding 30 ft. in width	10 „	18 „

provided that no part of a shop front, except the cornice, may project on or over the public way, or any land to be given up to the public way.

Projecting Windows. Sub-section 5 of section 73 deals with the erection of bay-windows to dwelling-houses "notwithstanding the provisions of this Act relating to buildings beyond the general line of buildings in streets," and sub-section 6 deals in very similar terms with the erection of oriel windows and turrets, but there is no reference, in this case of oriels and turrets, to the provisions being applicable notwithstanding the general line provisions. As, however, the two sub-sections are in other respects very similar, they are dealt with together.

In a street of a width not less than 40 ft., or to a building whose front wall is not less than 40 ft. from the opposite boundary of the street, bay-windows to dwelling-houses may be erected, provided that they :—

- (a) do not exceed 3 stories in height above the level of the footway ;
- (b) do not project more than 3 ft. from the main wall of the building to which they are attached ;
- (c) do not project within the prescribed distance ;
- (d) are in no part nearer to a party wall than the extreme amount of their projection ;
- (e) do not, taken together, exceed $\frac{3}{8}$ ths of the frontage towards the street to which they face ;
- (f) are not constructed on the public way or on land agreed to be given up to the public way ;
- (g) are not used for trade purposes.

Under similar circumstances as to width of street, &c., oriel windows or turrets may be erected, provided that :—

- (a) no part extends more than 3 ft. from the face of the front wall of the building, or more than 12 in. over the public way ;
- (b) no part is less than 10 ft. above the level of the footway of the street ;
- (c) no part of such projection where it overhangs the public way is within 4 ft. from the centre of the nearest party wall ;
- (d) the total width of projections, taken together, on any floor does not exceed $\frac{3}{8}$ ths of the length of the wall of the building on the level of that floor ;
- (e) every such projection is constructed to the satisfaction of the district surveyor, or, in the event of disagreement, to the satisfaction of the superintending architect, whose determination is final.

An examination of these provisions will show the curious inconsistency that, while bay-windows may not exceed 3 stories in height above the level of the footway, there is no such limit to the height of oriel windows. It should be clearly understood that these limits laid down in section 73 are merely those within which it is possible to erect bay-windows, oriels and turrets without the consent of the County Council. The limits may, of course, be exceeded if the Council's consent be obtained, and such consent is not infrequently given.

Projections Forming Part of a Building. It is clear from several

cases that projections so solidly connected to a building as to form part of it contravene the 1894 Building Act if they extend in advance of the general line of buildings. It was held in *Coburg Hotel v. London County Council* (1899, 81 L. T. 450) that a shelter of iron and glass 13 ft. in height above the footway and 4 ft. 3 ins. in projection from the face of a porch, to which it was securely fixed, was a "building or structure" within the meaning of section 22. Mr. Justice Ridley stated in his judgment that possibly section 22 might be taken to refer to the building as a whole, and section 73 to the projections, and that possibly in a case like the one under consideration it was necessary to obtain the consent of the County Council under both sections.

Projections Not Forming Part of a Building. Just as it seems definitely the law that projections forming part of a building must not project in advance of the general line without consent, so it seems evident, until there is a contrary decision by a higher Court, that projections attached to a building in such a manner as not to form part of it are not affected by the provisions of sections 22 or 73. The only section of the 1894 Act under which such structures can apparently be regulated is section 164, which gives the County Council power to make by-laws for the regulation of lamps, signs, or other structures outside the City which overhang the public way, such by-laws to be administered by the Borough Council. By-laws of this kind, however, have not been made. Signs, etc., that are dangerous can of course be dealt with as dangerous structures under Part IX.

There are four important cases decided by the High Court which deal with this question of projections which do not form part of a building. The first of these cases was *Hull v. London County Council* [(1901) 1 K. B. 580]. In this case proceedings were taken by the Council under section 73 in respect of a wooden advertisement sign fixed by brackets to the face of the main wall of a building, and having a projection of 16 ins. The magistrate convicted the owner, but this conviction was reversed by the High Court. Mr. Justice Bruce in giving judgment stated that the expression "projection from a building" means a part of the building projecting or jutting out, and that the sign was not a projection of this nature. In the case of *London County Council v. Illuminated Advertisements Co.* [(1904) 2 K. B. 886], proceedings were taken by the Council under Part III. of the Act in respect of a number of small advertisement cases constructed of sheet iron, and supported by strong wrought-iron supports securely cut and pinned through the front wall of the building. The magistrate was of opinion that the cases in question were not structures within the meaning of section 22, and that they were in the nature of mere excrescences which could be removed at will without injury to the fabric, and he dismissed the summons. This decision was upheld by the High Court, Mr. Justice Wills however, dissenting, principally, it would appear, because of the firmness with which the cases were connected to the building. Lord Alverstone stated that the group of sections in Part III. of the 1894 Building Act dealing with lines of building frontage would seem to relate to very different things from the advertisement cases under consideration. In *London County Council v.*

Schewzik [(1905) 2 K. B. 695] proceedings were taken by the County Council both under Part III. and section 73 in respect of an iron framework filled at the front and sides with glass, and covered on the top with zinc. The framework was lighted at night to form an electric sign over the entrance to the Russian Vapour Baths in Brick Lane, Stepney. The sign was fixed to the wall by means of bolts and stay-rods, and its projection from the face of the building was about 4 ft. 6 ins. The magistrate came to the conclusion that the alleged structure or projection was not a structure within the meaning of Part III. nor a projection within the meaning of section 73. The magistrate was further of the opinion that there was no necessity to strain the wording of the sections referred to, as there was a provision in the Act for dealing with cases of the kind, it being provided in section 164 that the Council might make by-laws with respect (*inter alia*) to "the regulation of lamps, signs, or other structures overhanging the public way, not being within the City." This decision was upheld by the High Court. Lord Alverstone stated that as regards section 22, he considered that section to be a building section and not meant to refer to or include things added on to buildings. He further said that the structure did not project from the building in the sense of section 73 as construed by the Court of Queen's Bench in the case of *Hull v. London County Council*, and that although he would have been more satisfied had the decision in *Hull's Case* dealt with the question on broader lines, he could not see any distinction or ground upon which he ought to distinguish the present case from *Hull's Case*.

In *London County Council v. Hancock and James* [(1907) 2 K. B. 45] proceedings were taken under Part III. as regards a show-case of wood and glass 1 ft. 10 ins. deep, running at right angles to the face of the building and projecting 6 ft. 3 ins. in advance of the general line of buildings. The magistrate was of opinion that the show-case was not a structure within the meaning of section 22, and he dismissed the summons. His decision was upheld by the High Court. Lord Alverstone in his judgment said that the magistrate was perfectly right in coming to that conclusion, and that he did not consider that a large show-case put upon the steps and landing was a structure within the words 'building or structure' in section 22. It should be noted that in this case the summons was for a breach of section 22 only and not for a breach of section 73 (8) as to projections.

Prior to the decision in *London County Council v. Schewzik* there was reasonable ground for the belief that as regards projections from buildings—using the term projection in the ordinary way—the law was somewhat uncertain, for in the case of *London County Council v. Illuminated Advertisements Co.*, the judges expressed some little doubt as to the correctness of the decision in *Hull v. London County Council*. But as that decision was followed in *London County Council v. Schewzik*, where a structure of a much more important character was concerned, the decision can apparently be considered as fairly conclusive.

Effect of these Decisions. These decisions make it apparent that in

the opinion of the Courts section 73 is not meant to apply to projections which do not form part of buildings, and that there is a still more emphatic negative as regards section 22. Unless the decisions are reversed by a higher Court, or the existing law is amended, it would appear that until the Council make by-laws under section 164, it will not be possible for them to regulate such things as signs, lamps, and other similar projections from buildings. An acquaintance with this aspect of the law seems, however, most rare outside official circles. A number of signs are sanctioned by the Council year by year, although, from the decided cases, there would appear to be no need whatever for consent to be obtained, as regards signs similar to those considered by the Courts in the foregoing cases. Cases have occurred where, under threat of refusal of consent, owners have been induced to lessen considerably the size of proposed signs. The judiciousness of this action on the part of the Council may be questioned, when it results in the ordinary law-abiding person being made to suffer for consulting the Council, while any truculent individual who likes to defy the Council is of necessity allowed to do what he desires. Of course, even when acquainted with the law, a person may think it to his interest to get the Council's consent to a proposed projection. But, with the law as it is at present, this is not in any way essential, for, even if by-laws should be made, these will not be administered by the Council, but by a different body—the Borough Council—and, also, such by-laws will be restricted in their operation to “lamps, signs, or other structures overhanging the public way,” and will not affect structures overhanging a private forecourt.

463 } **Question of Fact for Magistrate.** It must be understood, however,
477 } that the question of whether or not anything is a structure or projection within the meaning of sections 22 or 73 is one of fact, rather than of law. If a magistrate finds as a fact that anything is a structure or projection his decision will not be interfered with by the High Court unless the Court is of opinion that the magistrate, in arriving at his decision on the question of fact, has erred on a point of law. This was exemplified in the case of *Rex v. Denman and London County Council, ex parte Palace Theatre Co.* (1907, 96 L. T. 672). In this case the Palace Theatre Co. had constructed a framework of wood and plaster in front of the general line of buildings. The framework was 7 ft. 10 ins. wide and 13 ft. high, and extended from 1 ft. 2 ins. to 2 ft. 2 ins. in advance of the general line. It stood on the pavement lights, and was fastened to the wall by iron holdfasts. The centre portion of the framework consisted of a canvas panel for advertisement purposes, and the sides were of plaster formed to imitate stonework. The magistrate convicted the Palace Theatre Co. of having erected a structure in contravention of section 22, and, holding the question to be one of fact, declined to state a case for the opinion of the High Court. Upon an application being made to the High Court for a mandamus to compel the magistrate to state a case, the Court held that there was evidence justifying his decision, and refused to compel him to state a case.

Construction of Projections. The remarks in the previously-mentioned “general line of building” cases as to the limitation of the provisions of

section 73 to projections forming part of buildings, also presumably apply to the constructional requirements of the section which are dealt with in Chapter 9.

127

Removal of Projections. Under sections 119 and 120 of the Metropolis Management Act, 1855, the Borough Councils have certain powers as to the removal of projections.

347

Prospective Legislation. Since the foregoing was written, two Bills containing provisions affecting projections have been introduced. Sections are contained in the City of London (Various Powers) Bill, 1911, which give the Corporation some additional powers regarding projections, and it is not unlikely that these will become law. The London County Council (General Powers) Bill, 1911, contained, as introduced, a provision giving the Council very wide powers with regard to projections, but this provision has been withdrawn.

CHAPTER 7

AIR SPACE AND HEIGHT OF BUILDINGS

Open Spaces About Buildings.

THE requirements as to open spaces about buildings are contained in Part V. of the 1894 Building Act. These requirements are somewhat complicated, and in books dealing with the Act the attempts made to explain them by means of diagrams have been somewhat unfortunate. The reason for the non-success of diagrammatic representation in this case is probably due to the fact that specific cases have had to be taken, whereas the provisions of the Act are general, and their applicability is not likely to be fully explained if reference is made only to one particular instance. Consequently in dealing with this question of open space about buildings and the provisions relating to the diagonal line, diagrams will as far as possible be shunned and an attempt made to explain this portion of the Act in plain English, with the occasional aid of tabular statements.

Definition of Domestic Building. In the first place, it is of the *utmost importance* to note that the provisions with regard to open spaces about buildings apply only to domestic buildings, and that the definition of "domestic building" is specially varied for the purposes of Part V. of the Act. It is stated in section 39 that for the purposes of this Part of the Act such term "shall not include any buildings used, or constructed or adapted to be used, wholly or principally as offices or counting-houses." The effect of this exclusion of a large class of buildings from the scope of the definition "domestic building" throughout this Part of the Act is obviously very great.

Habitable Basements. Section 40 of the Act provides that, in the case of a domestic building having a habitable basement, an open space "of an aggregate extent" of not less than 100 sq. ft., free from any erection thereon above the level of the adjoining pavement, must be provided in the rear of the building, and exclusively belonging thereto, for the purpose of giving light and air to such basement. Although this open space must be in the rear of the building, it is specifically stated that it need not necessarily adjoin the rear boundary. It should be clearly understood that the open space is not required to be at basement, but at pavement, level: persons sometimes get confused on this point.

It will naturally be asked what is a "habitable basement"? For this, one must turn to section 5 (definitions), where it is stated that "the expression 'habitable' applied to a room means a room constructed or adapted to be inhabited" (sub-section 38), and on turning to "inhabited" in the preceding

sub-section, one finds that, applied to a room, it means "a room in which some person passes the night or which is used as a living-room, including a room with respect to which there is a probable presumption (until the contrary is shown) that some person passes the night therein, or that it is used as a living-room." It would seem that a kitchen in an ordinary dwelling-house is a habitable room, since it is used as a living-room by the servant or servants.

Further, to enable the scope of section 40 to be clearly evident, it is necessary to know what is a basement under the Act. Turning to section 5 (12), one finds that the expression "basement story" is defined as any story of a building which is under the ground story, and that, in the preceding sub-section, "ground story" is stated to mean that story to which there is an entrance from the outside, on or near the level of the ground, and, where there are two such stories, then the lower of the two. But it is specially provided that no story of which the upper surface of the floor is more than 4 ft. below the level of the adjoining pavement shall be deemed to be a ground story. As a result, it appears that a basement is a story having a floor at a greater distance than 4 ft. below the level of the adjoining pavement. 455

Open Space at Rear : General Review. The requirements of section 41 dealing with open space at rear may be classed under two heads, requiring: 465

- (1) The provision of an open space at the rear of the building, and exclusively belonging thereto, not less than 150 sq. ft. in area and 10 ft. in depth, at a level determined principally, but not solely, by the "age" of the street upon which the building abuts; and
- (2) The limitation of the rear height of the building (and the consequent provision of further open space at the higher levels) by an imaginary **diagonal line**—which, being required to be continued throughout the entire width of the building, is in effect a diagonal plane—inclined at an angle of $63\frac{1}{2}$ degrees with the horizontal, and drawn from the point where the line of the rear boundary of the site is intersected by a horizontal line, drawn at right angles to the roadway, through the centre of the face of the building, at a level determined, except on sites sloping down to the roadway, entirely by the "age" of the street on which the building abuts. The $63\frac{1}{2}$ degrees angle for the diagonal line represents, approximately, a rise of 2 (vertical) in 1 (horizontal).

Before dealing with the detailed provisions affecting the measurement of the open space and the drawing of the diagonal line, it may be well first to deal with what is really the vital point—the respective levels at which the open space is required to be provided, and the diagonal line drawn. Regarding the diagonal line, as has been just previously stated—and reiteration may be pardoned for the sake of emphasis—the level at which this is commenced to be drawn will, except on sites sloping down to the roadway, depend entirely on the "age" of the street on which the building abuts. But when we come to the space at rear, the level at which this is required to be provided does not depend solely upon the age of the street; other questions come into consideration, which in one instance considerably relax, and in another instance just as considerably stiffen, the provisions applicable to ordinary cases.

Probably comparatively few persons outside the official world can give from

memory the levels in each several case at which the open space must be measured and the diagonal line drawn. Yet these may be very simply stated as follows :—

465

LEVELS AT WHICH OPEN SPACE MUST BE PROVIDED.

Buildings abutting upon new streets.	(1) Ordinary cases.	Above the level of the adjoining pavement.
	(2) Where there is a basement story "directly and sufficiently lighted and ventilated" by the open space provided in accordance with section 40, or where there is no such basement story, but where the ground story is not constructed or adapted to be inhabited.	Above the level of the ceiling of the ground story, or 16 ft. above the level of the adjoining pavement.
Buildings abutting upon old streets.	(3) Ordinary cases.	Above the level of the ceiling of the ground story, or 16 ft. above the level of the adjoining pavement.
	(4) In the case of dwelling-houses "to be inhabited or adapted to be inhabited by persons of the working class," where there is not a basement story "directly and sufficiently lighted, etc." (see the whole of case 2).	Above the level of the adjoining pavement.

The level of 16 ft. above the pavement will be the general practical limit of height for the rear portions of buildings in cases (2) and (3), though with a very lofty ground story it may be desirable to take advantage of the other alternative. The expression "adjoining pavement" presumably means the adjoining pavement of the street to which the building fronts.

466

LEVELS FROM WHICH THE DIAGONAL LINE MUST BE DRAWN.

Buildings abutting upon new streets.	At the level of the pavement in front of the centre of the face of the building (except on sites sloping down to the roadway, for which see later).
Buildings abutting upon old streets.	At 16 ft. above the level of the adjoining pavement.

It is provided in sub-section 1 (iii.) (f) that, where the pavement in front of a building is not all on one level, the mean level is to be taken.

In order that there may be no possible uncertainty as to the exact meaning of the Act, Diagram 1 is given, which shows an everyday instance of a building abutting upon an old street where an open space of minimum depth is provided.

The terms "old" and "new" streets are used for the sake of brevity, and denote streets formed respectively before or after the commencement of the Act (the 1st of January, 1895).

The above summary must be read in conjunction with the following explanation of the unusual cases for which special treatment is provided. An attempt will be made to disentangle the detailed provisions of section 41, and to deal with them under two heads as affecting

(1) open space, (2) diagonal line.

Details of Open Space Provisions. Two provisions affecting the general space at rear demand attention. When the space is provided at a level of 16 ft. above the adjoining pavement, lantern lights may extend above this level. When the open space is provided at pavement level it is allowable to erect on such open space "a water-closet, earth-closet, or privy, and a receptacle for ashes, and enclosing walls, none of which erections shall exceed 9 ft. in height." There is some uncertainty as to how this height of 9 ft. is to be measured, but, as it is a practical limiting height for structures of the nature specified, it seems probable that it is to be measured from the level of the ground adjoining the structure.

The minimum area of the open space at rear (150 sq. ft.) will often be considerably increased by reason of the provision requiring the open space to extend throughout the entire width of the building and to have a depth of at least 10 ft. Thus the area of the space can be kept to a minimum only when the length of the frontage does not exceed 15 ft. When the widths of the front and rear elevations of a building are different, it is somewhat uncertain as to what is the "entire width" of the building. The requirement that the open space shall extend throughout the entire width of a building is generally held, however, to render it practically impossible to erect a terrace of domestic buildings on the convex side of a curved street without applying to the Council for consent.

In connection with this requirement that the open space must extend throughout the "entire width" of the building, it has also been questioned whether this could not be construed to mean that the open space must be continuous—which would prevent an arrangement of the nature indicated in Diagram 2. But it is to be noted that the extent of the open space is required to be an "aggregate extent," and further, there could not be any

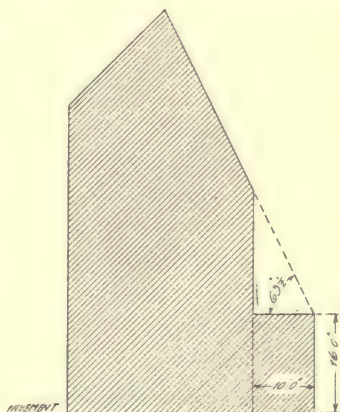


DIAGRAM 1.

question raised if the spaces *A* and *B* on the plan were connected together by a strip of open space an inch wide, while from the practical standpoint the resulting total air space would be no better than that shown. All things considered, it appears most unlikely that it could be successfully contended that the arrangement shown in the diagram contravenes the Act.

467

Corner Sites. Special provisions exist with regard to a building at a corner abutting upon two streets, or on one side upon a street and on the other side upon an open space 40 ft. wide, the maintenance of which is secured "permanently or to the satisfaction of the Council, by covenant or otherwise." In such cases the Council have power to consent to the erection of buildings, not exceeding 30 ft. in height, upon such part of the open space at rear as they may think fit, provided that they are satisfied that such buildings will be placed so as "not to interfere unduly" with the access of light and air to neighbouring buildings. A dissatisfied applicant may appeal to the Tribunal.

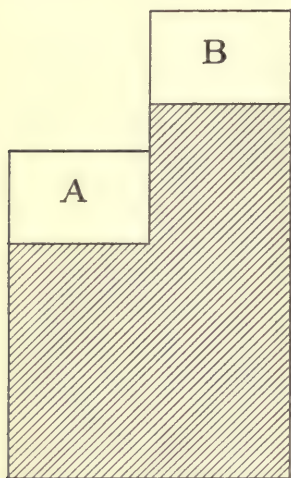


DIAGRAM 2.

Streets at Front and Rear. Where the land at the rear of a building and exclusively belonging thereto abuts immediately upon a street, or upon an open space secured as such to the satisfaction of the Council, it is not necessary to provide any space at the rear of such building. From this it is evident that, where a building itself abuts at the rear directly on a street or a properly secured open space, the requirements as to open space are complied with.

The Front or Rear of a Building. Where a building is at the corner of two streets, or extends through from front to back between two streets, it is sometimes doubtful which is the front or rear of the building. It is consequently provided by section 46 that the superintending architect may

be required to define which is the front and which is the rear of a building. Any person dissatisfied with the certificate may appeal to the Tribunal.

466

Details of Diagonal Line Provisions. For the sake of initial brevity, it has been said that buildings must be kept within the diagonal line. This, however, must be qualified by the statement that chimneys, dormers, gables, turrets, or other architectural ornaments, aggregating in all to not more than one-third the width of the rear elevation of the building, may extend above the diagonal line, as also may any building which is permitted by the section to be placed on the open space.

Generally speaking, in the case of buildings abutting on new streets the horizontal line must be drawn at the level of the pavement in front of the centre of the building, and be produced at right angles to the roadway, to intersect the actual rear boundary, at which point the diagonal line must be commenced to be drawn. But where the site slopes down to the roadway, and where the rear boundary of the site is not parallel with the rear wall of the building, special provisions apply. As regards a sloping site of this

kind, it is provided that in the case of a building abutting on a new street, not the pavement level, but the actual ground level at the rear boundary, is the level from which the diagonal line is to be drawn. In the case of old streets the horizontal line is to be drawn throughout at a level of 16 ft. above the adjoining pavement, irrespective of whether the site is level or sloping.

The provisions with regard to the drawing of the diagonal line in instances where the boundary of the space at rear is not parallel with the rear wall of the building, apply in an exactly similar manner to buildings abutting on both new and old streets, for here it is a case of distances and not of levels. In such an instance the horizontal line must be drawn to a point situated at the mean distance of the boundary fence or wall from the rear of the building, whether such point be beyond the boundary or not, and from this point, presumably, the diagonal line must be commenced to be drawn.

Irregular Boundary. When the boundary of the space at rear is so irregular that a doubt arises as to how the measurement should be taken, an application is to be made to the Council, and a dissatisfied applicant has the right of appeal to the Tribunal.

Corner Sites. Buildings on corner sites, of the nature referred to when dealing with space at rear, are specially allowed, despite the ordinary diagonal line provisions, to have their return fronts carried up the full height of the front elevation for a distance of 40 ft., or for such less distance as the requirements for open space at the rear may demand. 467

Streets at Front and Rear. Where the land at rear of any building and exclusively belonging thereto abuts upon a street or properly secured open space, the following special requirements apply as to the diagonal line:—

POSITION AND LEVELS FROM WHICH DIAGONAL LINE IS TO BE DRAWN IN SPECIAL CASES.

Position of Building.	Character of Space at the Rear.	Position from which Diagonal Line is to be Drawn.	Level from which Diagonal Line is to be Drawn.
Building abutting upon new street .	Street . . .	Centre of roadway of rear street.	Surface of roadway at centre of rear street.
	Open space .	Farthest boundary of open space.	Not stated (presumably surface of open space at farthest boundary).
Building abutting upon old street . . .	Street . . .	Above centre of roadway of rear street.	16 ft. above the level of the pavement of front street.
	Open space .	Above farthest boundary of open space.	16 ft. above the level of the pavement of front street.

467 *Equivalent Air Space.* In spite of all the foregoing general provisions of section 41, it is provided that any part of a domestic building may extend above the diagonal line if the Council or, in the event of appeal, the Tribunal of Appeal, are satisfied that an open cubic space of air will be provided at the rear of such building equivalent to the open space which would have been provided if such diagonal line had been drawn from the **ground level** in the manner previously provided for, and if no part of the building, except as permitted under the preceding provisions of the section—presumably chimneys, dormers, etc., not exceeding one-third the width of the rear

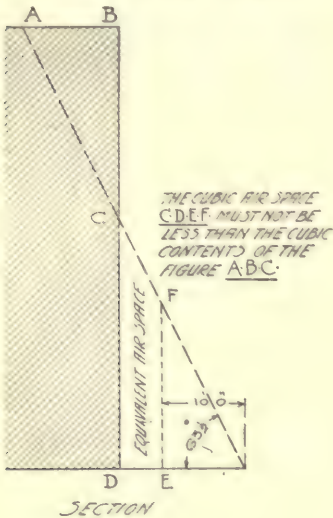


DIAGRAM 3.

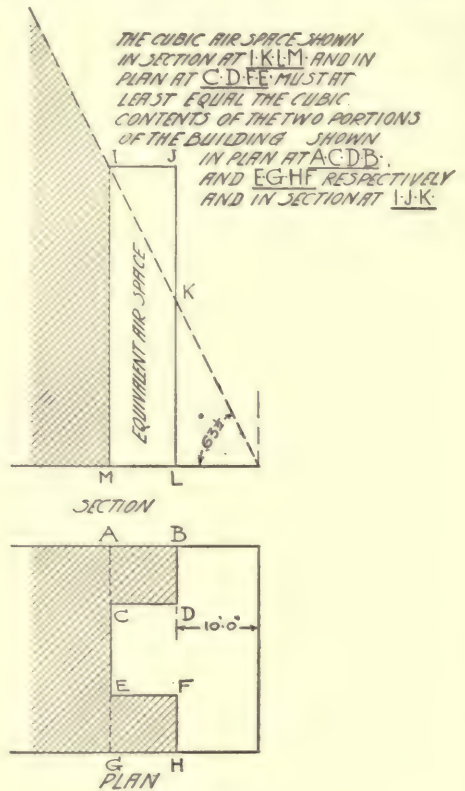


DIAGRAM 4.

elevation—had extended above such diagonal line. This part of the air space provisions, though rather complex, is of very considerable importance, as it allows the upper portion of a building to project considerably beyond the diagonal line, so long as an equivalent cubic air space is provided by setting back either the whole or some portion of the building to a greater extent than the ordinary provisions of the Act require. A very simple case has been illustrated in Diagram 3 in order clearly to illustrate the meaning of this proviso. A probably more usual case is where a portion of the building is brought forward in advance of the main building, which latter is kept well within the diagonal line, as shown in Diagram 4; but the principle of providing equivalent air space is the same in all cases.

As in such a calculation of equivalent air space the diagonal line must be drawn from ground level in all cases, it will happen that where the building abuts on an old street, it will not be so much to an architect's advantage to apply to the Council under this special proviso, as in so doing he waives his right to commence to draw the diagonal line 16 ft. above the pavement level.

Special Cases. It is provided that in exceptional cases where owing to the irregular shape of the land any provisions of section 41 cannot be applied, the Council may allow such modifications as they may think fit, provided they are satisfied that such modifications will not interfere with the due access of light and air. All persons interested who are dissatisfied with any determination of the Council may appeal to the Tribunal. Both questions of space at rear and diagonal line are affected by this provision. 467

Buildings Not Affected. It is provided that nothing in the section is to apply to houses abutting in the rear upon the river Thames, or on a public park, or on an open space of not less than 80 ft. in depth which is secured as such to the satisfaction of the Council. 467

The Scope of Section 41. It will be noticed that in several specified instances application for special treatment may be made to the Council, and in all these cases, other than where an application for the acceptance of an open space as "secured" is made, dissatisfied applicants have the right of appeal to the Tribunal. But in the case of buildings where the site is of regular shape, is not a corner site, and it is not proposed to apply for special treatment as regards equivalent air space under the diagonal line provisions, the Council have no power to consent to any deviation from the provisions of this section, except in the case of alterations to existing buildings, where, under the provisions of section 207, the Council possess very wide discretionary powers. 624 514

An Important Proviso affecting the whole of the open space and diagonal line provisions of section 41 occurs in section 52. It is there provided that on a site whose depth does not exceed 150 ft., which is occupied by a building abutting on a street, and by a stable, at the rear of the building, abutting on mews, if— 471

- (1) the stable building does not exceed 50 ft. in depth from the mews frontage; and
- (2) the stable building does not exceed 25 ft. in height measured from the level of the mews; and
- (3) the open space at rear required for the domestic building under section 41 is provided between the two buildings,

then the two buildings, whether in one occupation or not, may for all other purposes of section 41 be deemed to be one domestic building with the rear abutting on a street. In the West End there are a large number of buildings having stables at the rear, and in cases of re-erection the provisions of section 52 are very helpful. It seems probable that a motor garage, if similar to the stable building contemplated by the section, in all respects but that of the use to which it is put, would be held to be a "stable building" for the purposes of the section.

Buildings Not Abutting on a Street. Throughout the whole of section 41 it is noteworthy that the provisions are stated to have reference to 465

buildings abutting upon a street. From this it seems not unreasonable to suppose that, where buildings do not abut upon a street, and are not working-class dwellings coming within the scope of section 42, they are not required to conform to any open space at rear or diagonal line provisions.

Section 42, having reference to the erection of working-class dwellings not abutting upon a street, is dealt with in Chapter 8.

Erection of Buildings on Old Sites. Section 43 provides that when a person intends to erect a domestic building, "not being a dwelling-house to be inhabited or adapted to be inhabited by persons of the working class," abutting upon a street on the site of domestic buildings existing on the 1st of January, 1895, or on a site vacant at such date but occupied by domestic buildings at any time within 7 years previous to such date, if, before commencing the erection of such building, he has plans prepared showing the extent of the previously existing building "in its several parts," and gets these certified by the district surveyor, he can build to the old lines. If the district surveyor will not certify the correctness of the plans, there is the right of appeal to the Tribunal of Appeal. In the important case of *Paynter v. Watson*, [(1898) 2 Q. B. 31] it was decided by the High Court, that the plans to be certified must be plans and sections showing the whole extent of the building, and that if it is proposed in rebuilding to depart from the certified plans in respect of either area or outline, it will be necessary to obtain special consent.

This case is in marked contrast to that of *London County Council v. Patman and Fotheringham*, decided under section 13, where it was held that under such latter-mentioned section a ground plan, showing the extent of the building and forecourt, was all that was required to be certified.

Application to the Council. It is provided in paragraph (ii.) of section 43 that anyone who desires to deviate in any respect from the plans certified by the district surveyor must apply to the Council, who may sanction such deviations on such conditions as they may think fit, provided that the conditions are not more onerous than the conditions prescribed for domestic buildings abutting on old streets.

In cases of rebuilding it is often desirable that at least an application should be made to the Council, for even should it be refused, the right of building exactly to the old lines still remains, provided that the plans have been certified by the district surveyor before the re-construction is commenced. In the case of such an application the submission of certified plans is required by the official regulations, and this is also desirable from the private architect's standpoint, as it gives the authorities an opportunity of seeing the extent of the existing building to the lines of which it is possible to build if consent to the proposed deviations is refused. The object of the new proposal usually being to provide accommodation and air space better than that already existing, it is to the architect's advantage that the Council shall be able to compare the old with the new plans. Any person dissatisfied with any decision of the Council under this section may appeal to the Tribunal.

Laying out a Cleared Area. Section 44 of the Act provides that, when any person proposes to re-arrange a cleared area previously occupied in whole

or in part by buildings, by forming a new street or streets or by widening existing ones, he may make application, with plans and sections, to the Council with a view of obtaining a relaxation of the provisions of the Act with regard to open spaces about buildings. In such case the Council are required, within 2 months from the receipt of the application, either to sanction or disapprove the application, stating in the latter case all their reasons for such disapproval. If within such 2 months the Council do not give notice of disapproval they will be deemed to have given consent. But by the provisions of section 174 this period of 2 months is extended for 28 days, if it would otherwise expire during certain specified dates in the months of August and September. Any applicant dissatisfied with a determination of the Council in respect of the laying out of a cleared area may appeal to the Tribunal.

Courts Within a Building. Section 45 of the Act deals with courts within a building. The section, at first sight, is not very easy to understand, and in order to bring out the points as clearly as possible, I deal with it in three divisions.

(1) *Ventilation of Courts Enclosed on every Side.* It is provided that, in the case of a court enclosed on every side, constructed for admitting light and air to a "domestic building" within the meaning of Part V. of the Act, if its dimensions are such that

its depth, from the eaves or top of the parapet to the ceiling
of the ground story, exceeds the length or breadth,

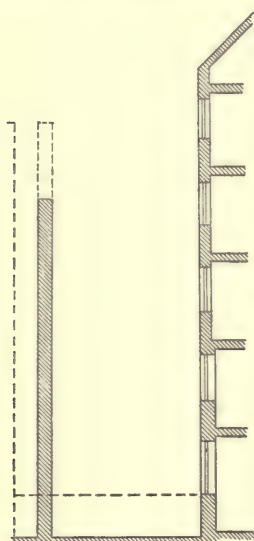
adequate provision for the ventilation of such court must be made and maintained by the owner by means of a communication between the lower end of the court and the outer air.

(2) *Habitable Rooms in Court Enclosed on every Side.* Habitable rooms, as such, come under the provisions of section 70. But section 45 is also concerned in securing light and ventilation for habitable rooms which have no windows except those opening into courts. The section, however, really takes effect in limiting the height of any portion of a building which is opposite to a portion containing habitable rooms lighted solely from a court. It is provided in the second paragraph of section 45 that no habitable room may be constructed, if lighted only from a court enclosed on every side, unless the width of the court is equal to half the height of the wall on the opposite side, measured from the level of the sill of the window which lights the habitable room to the eaves or top of the parapet of the wall.

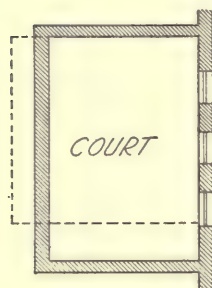
There is a most important proviso, however, to the effect that a court whose greater dimension does not exceed twice the less dimension complies with the section if a square court of the same area would comply.

Except in the case of a court which is exceptionally narrow, the limit of height will thus be that fixed by the proviso, and, in most ordinary cases the results as given by the original requirement compared with those given by the proviso will show a very considerable difference. This is illustrated in the plan and section in Diagram 5. The wall hatched in black lines shows the maximum height to which it is possible, in the court in question and when complying with the original requirement, to carry a wall opposite to windows which light habitable rooms. The height of the wall—that is to say, measured from the

dotted line at the level of the sill of the window on the ground story on the opposite side of the court—may not exceed twice the width of the court. The portion of the wall indicated in dotted lines shows the increased height to which it is possible to carry the wall by taking advantage of the proviso. This increased height is calculated as follows: a square court of similar area to the existing court is described as shown by the dotted lines on the plan. A dotted vertical line is drawn on the section to correspond with that side of



SECTION



PLAN

DIAGRAM 5.

the imaginary square court which is opposite to the windows under consideration. Then the height of the wall, measured from the dotted line at the level of the sill of the window on the ground story, may be equal to twice the distance from the wall in which the windows occur to the dotted line in the section, or in other words, equal to twice the width of the imaginary square court.

(3) *Habitable Rooms in Court Open on one Side.* Here, if the depth of the court exceeds twice the width, no habitable room above the ground story may be constructed, if lighted only from such court, unless the width of the court is equal to half the height of the wall on the opposite side, measured from the level of the sill of the window which lights the habitable room.

General Points. Where a court varies in width, its width for the purpose of this section is rather open to question. From the practical point of view it will be desirable in calculating the allowable height of a court wall opposite a habitable room to consider as the determining feature the width of the court immediately opposite the window of such room, measured at right angles to the face of such window.

It seems to be considered by some persons that the provisions of this section apply to a court between two or more buildings. But this would result, where the buildings were in different ownerships, in the legality of the lighting and ventilation of one owner's habitable rooms, opening into a common court, being dependent on the height to which the neighbouring owner might erect the opposite portion of his building

abutting on such court. It appears therefore much more reasonable to suppose that the section has reference only, in the terms of the marginal note, to "courts within a building."

Height of Buildings.

469 Section 47 of the 1894 Building Act provides that no building in London,
 625 other than a church or chapel, may in ordinary cases be erected without the
 consent of the Council to a greater height than 80 ft., nor increased in height

so as to be above this limit. But there is a special proviso that where any buildings, existing at the time presumably of the passing of the 1894 Act, and forming a continuous block or row of buildings, exceed this height of 80 ft., nothing in the section shall prevent any other building in the same block or row, belonging at the date of the passing of the Act to the same owner, "from being carried to" a height equal to but not exceeding that of the existing buildings. The definition of "height" in relation to a building, given in section 5 (21) of the 1894 Act, should be carefully consulted; in general terms it means the measurement from the level of the footway immediately in front of the centre of the face of the building to the top of the parapet, or external wall if there is no parapet, or, in the case of a gable, to the base of such gable. The fact that the height of a building must in every case be measured from a specified point tends to prevent difficulties arising in the case of a sloping site. Ornamental towers, turrets or other architectural features are not affected by the limitation of height. Old buildings over 80 ft. in height may be re-erected.

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In section 47 the expression "exclusive of two stories in the roof" occurs as a rider to the provision dealing with the 80 ft. limit of height. This seems redundant and rather open to misconception.

As regards the possibility of the Council consenting to the erection of a building having a height greater than 80 ft., possibly if the excess were only a question of a few feet there might be no great difficulty in obtaining consent, but if the increase in height were very considerable it is very doubtful whether the application would be granted. It must be remembered that the tendency has been towards a reduction of the height of London buildings. At the time of the passing of the 1894 Act a height of 90 ft. was allowable under the provisions of the London County Council (General Powers) Act, 1890.

Procedure and Right of Appeal. Section 48 of the Act of 1894 contains provisions with regard to the service of notices in connection with an application for increased height, and an appeal from the Council's decision in such a case, and also deals with the question of consents issued by the Council, which are to be published and served in such a manner as the Council may direct, and are not to be acted upon until 21 days after the date of their publication. It is noteworthy that the right of appeal can be exercised by all parties necessarily interested, both in the event of consent or refusal. The owner or lessee of any building or land within 100 yds. of the site of any intended high building who may deem himself aggrieved by the grant of any consent, and also any applicant for consent which has been refused, may respectively, within 21 days after the publication of the consent or of the date of refusal, appeal to the Tribunal of Appeal. Although, as it has already been stated, it is improbable that buildings of exceptional height will be consented to by the Council, yet having particular regard to the recent progress of steel construction, there is the chance that an occasional approval to a building greatly exceeding 80 ft. in height may be given. Thus the right of appeal possessed by an "owner or lessee of any building or land within 100 yds. of the site" is a most valuable one, for when the appeal is heard he will have the opportunity, non-existent when the case was considered by the Council, of putting forward his views of the disadvantages likely to result from

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the erection of a very high building. The fact that there is this right of objection probably militates against applications for increased height being very frequently made.

This limitation of height to 80 ft. applies to all buildings irrespective of their situation, but the "age" and the width of the street on which the building abuts has also sometimes an influence on the question of height. The limitation of the height of the rear portions of domestic buildings by the diagonal line, whose position varies according to the age of the street on which the building abuts, has already been dealt with.

Height of Buildings in Certain Streets. It is required by the provisions of section 49 of the 1894 Act, that, except with the consent of the Council, no existing building other than a church or chapel, on the side of a street "formed or laid out" after the 7th August, 1862, and less than 50 ft. in width, may be raised, and no new building—churches and chapels not being here mentioned—may be erected on the side of such street to a height exceeding the distance of "the front or nearest external wall of such building," from the opposite side of the street.

Buildings on Corner Plots. The second paragraph of section 49 deals with buildings erected on corner plots and thus abutting on more than one street, and makes it seem evident that for the purposes of this section a building has two statutory "heights." It is stated that in such a case, unless the Council otherwise consent, the height of the building is to be regulated by the wider of such streets so far as it abuts upon such wider street, and similarly regulated as regards the narrower of such streets, except that the elevation of the building to the wider street is allowed to be returned of the same height along the narrower street to "a distance of 40 ft. from the wider street."

Of course the regulation of height by width of street applies only to the frontages of buildings in streets coming within the scope of section 49. Elsewhere a height of 80 ft. is allowable.

An Important Case. The case of *Attorney-General v. Metcalf and Greig*, [(1908) 1 Ch. 327] which went to the Court of Appeal, will reward careful study. An injunction was sought by the owners of property on the east side of Salem Road, Bayswater, to restrain the defendants from erecting buildings on the opposite side of this street in alleged contravention of section 49 of the Act, and also application was made for a mandatory order to compel them to pull down so much of a block of flats already existing at the corner of Salem Road and Moscow Road as was contrary to the Act. In the High Court it was decided, and being a question of "fact" was not further dealt with in the course of the appeal, that although a Salem Road was in existence before 1862, the present road had been widened and changed in direction under an order of the County Council, and came within the scope of the section as having been formed or laid out since 1862. The High Court decision in relation to the question of the legality of the block of flats already erected was in favour of the defendants, it being apparently considered that it was possible under the Act to erect several front walls running up one behind the other, and that a building in steps or terraces would comply.

This decision was reversed by the Court of Appeal, where, it would

appear from the report of the case, it was held that the statutory height of a building—not the height of several parts of it—must not exceed the distance of the front or nearest external wall of the building from the opposite side of the street. The defendants were, however, allowed to make application to the Council, and were successful in obtaining the necessary consent to the retention of the building.

In the report of the above-mentioned case the naturally very important question of the measurement of the height of the building does not appear to be clearly dealt with. The general definition of height given in section 5 (21) 455 may possibly, however, be presumed to apply, with the measurement taken “immediately in front of the centre of the face of the building” on its frontage to each of the streets concerned.

In considering what effect is likely to be produced by this decision, the fact that the Council have power to consent to any deviations from the general provisions of section 49 should not be lost sight of. Applications under this section may be expected to receive favourable consideration if the building proposed to be erected is shown to be kept within a plane drawn at pavement level from the opposite side of the street, at an angle of 45° with the horizontal, and even in cases where this limit of general height is somewhat exceeded it is possible that the Council may see their way to give consent.

Where the question is one of rebuilding, it is just possible that the third paragraph of section 49 may be found to apply. This is to the effect that any building erected or raised before 1895 to a height to which no exception could have been taken under any law then in force, though exceeding the height allowed by the section, may be re-erected to the same height. But as provisions very similar to those of section 49 have been in existence since 1862, 372 this proviso will hardly ever apply to buildings erected subsequent to that date.

Persons desiring information as to the date of the formation of a street should approach either the County Council or the district surveyor, and will probably be able, in this way, to obtain the information required.

Proviso as to Raising of Building. Section 50 of the 1894 Act 470 provides that nothing in Part V. of the Act is to prevent the raising of any building by increasing the height of the topmost story to the extent required to bring any habitable rooms in such story into conformity with section 70. 476 This proviso apparently affects the operation not only of the provisions of Part V. as to height of buildings, but also those provisions of section 41, as 465 extended to existing buildings by section 207, which have reference to the 514 limitation of the height of the rear portions of buildings by the diagonal line.

Dwelling-houses for the Working Classes. A second instance in which the main height of buildings is affected by the street upon which they abut is that of “dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class” when such buildings are situated in narrow streets. This question is dealt with in Chapter 8. 100

CHAPTER 8

DWELLINGS FOR WORKING CLASSES

THE 1894 Building Act contains several provisions controlling the air space about, and in certain cases the height of "dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class." There being no definition of this expression, it is necessary to refer at some considerable length to the cases decided by the Courts in order to obtain some idea of what was the intention of the Legislature in forming these special provisions. There are three important cases having reference to the question of dwelling-houses for the working classes. These are *London County Council v. Davis*, and *London County Council v. Rowton Houses, Ltd.*, which two cases were heard together (1897, 77 L. T. 693), and *Crow v. Davis* (1903, 89 L. T. 407; 1904, 91 L. T. 88), which latter case was on two occasions dealt with by the High Court, and on each occasion sent back to the magistrate for reconsideration.

The Term "Working Class." Dealing first with the meaning which must be given to the term "working class," it would appear that the words are not to be taken to refer particularly and solely to persons getting a livelihood by manual labour. Mr. Justice Channell stated in the case of *London County Council v. Davis*, that as the expression was not defined in the Act, it was necessary to see amongst other things from the context what was meant, and that it could not be supposed that the Legislature intended to give some special protection to a person who worked with his hands, in contradistinction, for instance, to a clerk in a humble position. He considered that the term "working classes" meant that class of persons "who ordinarily live in such a state and condition of life that overcrowding is likely to take place," and who consequently require to be ensured of a reasonable amount of air space. Lord Chief Justice Alverstone, in the case of *Crow v. Davis*, commented upon the magistrate's finding that "The houses when completed would not be specially adapted for inhabitation by persons of the working class only. They would be suitable for occupation by any persons living in a small way, whether belonging to the working class or not." Lord Alverstone said: "I must say that I really do not quite understand what that means. If it means a class of persons who would be liable to overcrowding, whose surroundings and families and whose living would be liable in some respects to the overcrowding that was, no doubt, contemplated by the Act in connection with this legislation, I should have doubted whether it would have made any substantial difference."

The special meaning which must thus presumably be given to the term "working class" where it occurs in the 1894 Building Act appears in one instance to

extend, and in another to contract the scope of the provisions of the Act, as compared with their applicability if the term were able to be taken in its ordinarily accepted meaning. Persons who live in such a state as to be subject to overcrowding, no matter what their occupation, must apparently be considered for the purposes of the Act to belong to the working class. But, on the other hand, it would seem that persons earning their living by manual labour, who live under conditions no more conducive to overcrowding than those of the lower middle class householders—the better class of artisans, for instance, who live in ordinary terrace houses, with each house occupied by a single family—are not for the purposes of the 1894 Building Act included in the term “working class.” This conclusion may appear somewhat contrary to that which naturally suggests itself to the person who has merely read the sections of the Act, but I believe that a careful reading of the reports of the three law cases quoted will illustrate the reasonableness of such a belief. The whole of the special provisions of the Act that apply to working class dwellings have reference directly or indirectly to air space. Consequently it is fair to assume that these special provisions have reference to cases, and to such cases only, where there is likely to be overcrowding, and where more air space than is customary is therefore required.

Two Instances Indicated. It was clearly laid down by the judges in the cases of *London County Council v. Davis*, and *Crow v. Davis*, with particular emphasis in the latter case, that the expression “dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class” must be taken to have reference to two specific cases: (1) “dwelling-houses to be inhabited by persons of the working class,” and (2) “dwelling-houses adapted to be inhabited by persons of the working class.” From *Crow v. Davis* especially, it seems clear that “to be inhabited” means “intended to be inhabited,” although the mere, it may be termed, mental intention of the owner that houses should not thus be inhabited, will not bring him outside the range of the Act, if his intention is at variance with the natural consequences of his action in erecting dwellings in a locality where overcrowding is prevalent. “Adapted to be inhabited” was stated by Mr. Justice Channell in *Crow v. Davis* to mean “so adapted for separate dwellings as that it is likely that a large number of persons would be living in the house.” 460

The decided cases referred to will be found to illustrate fairly clearly the application of the terms “to be inhabited” and “adapted to be inhabited” by persons of the working class, and will well repay close study by those who desire to make themselves fully acquainted with the exact applicability of the important “working class” sections of the 1894 Building Act.

London County Council v. Rowton Houses is much the most simple of the three. This was an appeal by the County Council from a magistrate’s decision in refusing to convict the parties responsible for the erection of a men’s lodging-house, within the prescribed distance from the centre of the roadway, which building had been carried to a height exceeding the distance of its front wall from the opposite side of the roadway. The magistrate found as a fact that the building was adapted to be inhabited by persons of the working

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class, but that it was not exclusively reserved for or used by persons of that class; and he further found that it was a public building and not a dwelling-house within the meaning of section 13. The judges (Hawkins and Channell) upheld the action of the magistrate, on the grounds that the building was open to all classes who cared to make use of the accommodation provided, and the appeal was dismissed. The judges, however, dissented entirely from the view that because the building came within the definition of a public building it could not therefore be a dwelling-house within the meaning of Part II. of the 1894 Building Act.

In London County Council v. Davis—a similar appeal by the County Council—the magistrate's decision was also upheld. The premises in question consisted of a shop in front on the ground floor, with living-rooms behind it. The rooms on the upper floors were fitted with ordinary grates, and the water and sanitary arrangements were placed in the ordinary positions. At the hearing of the summons the house was in fact occupied by persons of the working class, but the magistrate found that there was no evidence that the house was erected for the purpose of being so inhabited, or that it was adapted to be so inhabited, and gave his decision accordingly. Mr. Justice Hawkins stated that if there were indications before the house was built that it was going to be occupied by persons of the working class, this, coupled with the fact that after the erection it was so occupied, would constitute a strong case, but he considered that there was not a particle of evidence to show that the house when built was intended to be used in the way in which it was used. Mr. Justice Channell stated that the natural thing for which the dwelling-house was adapted was as the residence of the family of the man who took the shop; it was not too large, and there was nothing to indicate that it would not be so used. The appeal against the magistrate's decision was therefore dismissed.

The Important Case of Crow v. Davis was twice remitted to the magistrate by the High Court for him to re-direct himself as to his findings on points of law. The premises in this case consisted of houses with rooms planned, arranged, and fitted, in a manner different from that of an ordinary dwelling-house. In one of the houses taken as an example there were three water-closets, one in the basement, one on the ground floor, and one on the first floor, and three sinks similarly distributed. There were rooms arranged in pairs, presumably for letting as living-room and bedroom, as access to one of the rooms could be obtained only by passing through the other, and there were no conveniences such as coal-cellar, larder, scullery, or bathroom, which would be likely to be required for a single family of the class likely to occupy the whole house. The magistrate disallowed the objection of the district surveyor to the erection of the proposed houses, and an appeal was made to the High Court against this decision. The magistrate, in his statement of case, referred in detail to the planning and construction of the houses, and went on to state that the immediate neighbourhood was almost entirely inhabited by persons of the working class, and the surrounding circumstances were such that in all probability the houses when finished would be occupied chiefly by persons of the working class, but that the houses would not be specially adapted for inhabitation by persons of the working class only; they

would be suitable for occupation by any persons living in a small way whether belonging to the working class or not; he construed the term working class "in the sense in which it is ordinarily used and accepted." The magistrate was of opinion that the respondent had no intention that the houses should be occupied by persons of the working class only, but that he intended them for occupation by anyone who would take them; he considered the case to be governed by *London County Council v. Davis*.

The High Court sent the case back to the magistrate for reconsideration. Lord Chief Justice Alverstone stated that he was not satisfied that the magistrate had approached either of the two questions of fact in the right way, or applied the proper test: He (Lord Alverstone) doubted whether the distinction made by the magistrate between persons of the working class and persons living in a small way was contemplated by the Act if in each case there was similar liability to overcrowding; on this question of adaptation he should have thought the kind of question which ought to be considered was whether the house was adapted for habitation by persons who would live as the working classes do, "in small flats or separate tenements, all, so to speak, in the same house." With reference to the other question—that of the respondent's intention—Lord Alverstone stated that he agreed with what had been said in *London County Council v. Davis*, that the words "to be inhabited" meant "intended to be inhabited," but he thought that the magistrate had excluded the natural consequences of the way in which the houses were built and constructed in his finding that "the respondent had no intention that the houses should be occupied by persons of the working class only, but that he intended them for occupation by anyone who would take them." If the respondent constructed them in such a way, that it was practically certain that, when constructed, they would only be inhabited by persons of the working class, then the fact that he intended them for occupation by anyone who would take them, would not be sufficient to prevent the houses being houses that were "intended to be inhabited by persons of the working class." Anyone who may think it desirable to go to the fountain head and read the actual law reports will find that, as there reported (89 L. T. 411), this last statement is rather obscure owing to a confusion between the words "intended" and "adapted." This was dealt with by Lord Alverstone when the case was before the High Court on the second occasion (91 L. T. 92), and I have quoted the statement as thus revised.

Of the other two judges hearing the case, Mr. Justice Wills considered that the magistrate had put too much stress on the word *only*, both with regard to adaptation and with regard to intention. It did not appear to him to be necessary that the houses should be adapted only for persons of the working class, if they were adapted substantially for persons who were liable to the same difficulties in respect of overcrowding, and who in that sense belonged to the same class as the working class. Mr. Justice Channell emphasised the difference in construction between the premises in question in *London County Council v. Davis*, and those in the present case, which the magistrate had found to be specially adapted in their construction for separate occupations, by persons living in a small way.

Crow v. Davis (Second Hearing). Upon the case again coming before the High Court the magistrate's report had been altered by him in several instances with a view of bringing it into accordance with the expressed views of the judges. The term "working class" was stated to have been taken as meaning any persons living in a small way, whether engaged in manual labour or not. The general conclusion of the report was in the following terms: "If I understand correctly the opinion as expressed in the judgments of the learned judges, the principles I ought to apply to the facts as stated in the case are as follows: Where a person proposes to erect a house in a locality almost entirely inhabited by persons of the working class which would when erected be reasonably capable of being so inhabited, and which would in all reasonable probability be ultimately so inhabited, such person having a knowledge of the locality, and of the probability, it ought to be held that the house is one 'to be inhabited or adapted to be inhabited by persons of the working class.' If I have correctly stated the principles which I am directed to apply to the facts as stated in the case, then I am of opinion that the houses in question come within the words of the statute, and that the objection of the appellant ought to be affirmed."

Lord Alverstone and Mr. Justice Wills considered that the word "ultimately" in the magistrate's report ought to be expunged as going a great deal too far, and the latter also said that for the expression, "be reasonably capable of being so inhabited" there should be substituted "would naturally be so inhabited." The case was remitted to the magistrate for him to make the corrections to which reference was made.

I may appear to have dealt rather at length with the interpretation of the expression "dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class," but the question is worthy of very considerable attention, as the application of some of the most far-reaching provisions of the London building law depends upon such interpretation.

The Provisions of the 1894 Building Act affecting the height of, and air space about, dwelling-houses for the working classes are contained in sections 13, 41, 42, and 51 of that Act, and can be summarised with comparative brevity. It is noteworthy that section 43, which permits the re-erection of domestic buildings in certain cases, specially excludes dwelling-houses for the working classes.

Height of Buildings. Section 13 (5), as amended by section 4 of the 1898 Amendment Act, provides that, except with the consent of the Council, no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class, may be erected within the prescribed distance in the City, and within 20 ft. of the centre of the roadway in the rest of London, to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of the street. The conversion to working class purposes of an ordinary dwelling house within such distance as to exceed such height is also prohibited by the section. The previously mentioned case of *London County Council v. Rowton Houses* has an interesting bearing on the term "the opposite side of the street." In this case the building in question was erected opposite a disused burial ground, on which, owing to the provisions of the

Disused Burial Grounds Act, 1884, it was not possible to erect an ordinary building. The case, as previously mentioned, was decided upon the applicability of the term, "dwelling-house to be inhabited or adapted to be inhabited by persons of the working class"; but, apart from this, Mr. Justice Channell stated that he had the greatest possible doubt whether or not there was in this case what is called "the opposite side of the street." "Street," he said, was a term defined in the 1894 Building Act and many other Acts, but that it sometimes meant one thing and sometimes another, notwithstanding the definition clause. It was, he said, to him arguable that "street" in the present case meant a place where there were, or at any rate might be, buildings on the opposite side, and that "If you have got a narrow road between the building site and a river, for instance, which could not be built upon, nobody would say the river was the opposite side of such street." These remarks are of interest not only in connection with section 13, but also section 49, where the expression "opposite side" of the street occurs, and section 73 (5) and (6), where the wording is slightly different, it there being "the opposite boundary of the street." The case of *Attorney-General v. Metcalf and Greig* [(1908) 1 Ch. 327], which was referred to in Chapter 7, is also of interest in connection with the measurement of the height of a building in relation to the opposite side of the street.

Mr. E. Arakie Cohen, in his book on the London Building Acts, refers to the amendment of section 13 of the 1894 Building Act by section 4 of the Act of 1898, whereby outside the City the term "prescribed distance" is altered to read "20 ft. from the centre of the roadway." He states in his notes to section 13 of the 1894 Act that this amendment was effected in order to provide against the above-mentioned opinion of Mr. Justice Channell as regards the height of buildings in relation to the distance of their front walls from "the opposite side of the street." For a layman to question the considered statement of a lawyer may appear an action of exceptional rashness, but I cannot help expressing my entire inability to see how the 1898 amendment of this section in any way affects the application of Mr. Justice Channell's remarks as to the expression "the opposite side of the street." There are of course two considerations in the provision referred to, firstly the distance of the building from the centre of the *roadway*, which consideration determines the question whether the building comes within the scope of the section at all; and secondly the height of the building in relation to its distance from the opposite side of the *street*. All that the amendment does is to alter the governing distance from the centre of the roadway, from prescribed distance—20 ft. in carriage traffic streets and 10 ft. in footways—to 20 ft. throughout, in all cases not within the City boundaries. It would rather appear that the importance of the amendment lies in the limitation of the heights of buildings abutting on footways, if such buildings, though outside the prescribed distance, are within 20 ft. of the centre of the roadway.

Open Space About Buildings. The provisions of the 1894 Building Act having reference to the provision of open space at rear of buildings abutting on old streets are specially increased in stringency in their application to a "dwelling-house to be inhabited or adapted to be inhabited by persons

of the working class." In the case of such a building it is immaterial whether the street upon which the building abuts is old or new, the open space at rear required by section 41 must be provided at the level of the adjoining pavement, unless the basement space required by section 40 has been provided, or the ground story of the building is not constructed or adapted to be inhabited, in which case the open space may be provided above the level of the ceiling of the ground story, or a level of 16 ft. above the level of the adjoining pavement. The provisions of section 41 as regards the drawing of the diagonal line apply in exactly the same manner to all domestic buildings, working class or otherwise.

468 *Working-class Dwelling-houses not Abutting on a Street.*—Section 42 provides that at least one month before any dwelling-house to be inhabited or adapted to be inhabited by persons of the working class, and not abutting on a street, is commenced to be erected, plans must be submitted to the Council, showing the extent and height of the dwelling-house and its relation to adjacent buildings. If the Council consider that a sufficient open space or spaces for the admission of light and air will not be provided, the plans may be disapproved, but notice of disapproval must be given within one month from the delivery of the plans, or otherwise the Council will be deemed to have given their sanction. As regards this time limit, reference should, however, be made to the provisions of section 174 of the Act, allowing an extension of time during the summer vacation. Any person who submits plans under this section has the right of appeal to the Tribunal against any decision of the Council, and it is important to notice that the Council do not possess the right of disapproval, nor power to prescribe any conditions, "in any case where the open space or spaces for the admission of light and air proposed to be provided about such dwelling-house is or are equivalent to the open space or spaces which would have been provided about such dwelling-house under the provisions of this Act, in case the same had been erected after the commencement of this Act, abutting upon a street or way formed or laid out before the commencement of this Act." The most stringent interpretation of this important proviso is apparently that a dwelling-house to which no exception can be taken must have an open space in front of a depth of 40 ft.—equivalent to the width of a new carriage traffic street—and an open space "exclusively belonging" thereto at the rear, of the depth and area required by section 41.

It seems probable, however, that the wording may admit of some other decidedly less onerous construction as regards the measurement of the open space in front, and where the interests affected are of importance it is a case where legal opinion might well be obtained.

461 } **Dwellings Erected by Local Authority.** Sections 13 and 51 specially
471 } permit the re-erection of any dwelling-house inhabited or adapted to be inhabited by persons of the working class, which was erected by a local authority previously to the passing of the Act.

596 **Provisions of Other Acts.** Other provisions affecting working-class
54 dwellings are those of the Housing and Town Planning Act, 1909, and those, relating to tenement houses, which occur in several of the London County Council General Powers Acts.

Principal Law Cases.¹

(Those referred to in text of Division III. have page references in the margin.)

Prescribed Distance.

Q. B. 1897 . . .	Reg. v. L.C.C., <i>ex parte</i> Webster . . .	76 L. T. 472.	67
Q. B. 1897 . . .	L.C.C. v. Davis . . .	77 L. T. 693.	98
Q. B. 1897 . . .	L.C.C. v. Rowton Houses, Ltd. . . .	77 L. T. 693.	97
Q. B. 1897 . . .	L.C.C. v. Aylesbury Dairy Co. . . .	(1898) 1 Q. B. 106.	66
K. B. 1903 . . .	L.C.C. v. Patman and Fotheringham . . .	67 J. P. 285.	68
K. B. 1903 . . .	Crow v. Davis (first hearing) . . .	89 L. T. 407, and 1 A. L. R. 69.	98
K. B. 1904 . . .	Crow v. Davis (second hearing) . . .	91 L. T. 88, and 1 A. L. R. 97.	100
K. B. 1911 . . .	Rea v. L.C.C. . . .	Builder, 10th February, 1911.	66

Lines of Frontage and Projections.

Q. B. (C. A.) 1894 . . .	Wendon v. L.C.C. . . .	(1894) 1 Q. B. 812.	
Q. B. 1893 . . .	L.C.C. v. Best & Co. . . .	9 T. L. R. 499.	73
Q. B. 1893 . . .	Ellis v. Plumstead Board of Works . . .	68 L. T. 291.	75
Q. B. (C. A.) 1895 . . .	Lavy v. L.C.C. . . .	(1895) 2 Q. B. 577.	75
Q. B. (C. A.) 1895 . . .	Allen v. L.C.C. . . .	(1895) 2 Q. B. 587.	
Q. B. 1899 . . .	Coburg Hotel v. L.C.C. . . .	81 L. T. 450.	78
Q. B. (C. A.) 1900 . . .	Scott v. Carritt . . .	82 L. T. 67.	73
Q. B. 1901 . . .	Hull v. L.C.C. . . .	(1901) 1 K. B. 580, and 1 A. L. R. 63.	78
K. B. 1904 . . .	L.C.C. v. Illuminated Advertisements Co. . . .	(1904) 2 K. B. 886, and 1 A. L. R. 91.	78
K. B. 1904 . . .	<i>re</i> L.C.C. and London Building Act, 1894 . . .	91 L. T. 501, and 2 A. L. R. 119.	70
K. B. 1905 . . .	L.C.C. v. Schewzik . . .	(1905) 2 K. B. 695, and 3 A. L. R. 101.	78
K. B. 1907 . . .	L.C.C. v. Hancock and James . . .	(1907) 2 K. B. 45, and 3 A. L. R. 118	79
K. B. 1907 . . .	Rex v. Denman and L.C.C., <i>ex parte</i> Palace Theatre Co. . . .	96 L. T. 672.	80
K. B. 1907 . . .	South-Eastern and Chatham Railway Co. and Others v. L.C.C. . . .	(1907) 2 K. B. 91.	
K. B. 1907 . . .	L.C.C. v. Coal Co-operative Society . . .	98 L. T. 580.	
K. B. (H. L.) 1909 . . .	Lilley and Others v. L.C.C. . . .	(1910) A. C. 1, and 4 A. L. R. 84.	72
K. B. (H. L.) 1910 . . .	Metropolitan Railway Co. and Others v. L.C.C. . . .	(1911) A. C. 1.	71

Air Space and Height of Buildings.

Q. B. 1898 . . .	Paynter v. Watson . . .	(1898) 2 Q. B. 31.	90
Ch. (C. A.) 1907 . . .	Attorney-General v. Metcalf and Greig . . .	(1908) 1 Ch. 327, and 4 A. L. R. 82.	94

Dwelling Houses for the Working Classes.

Q. B. 1897 . . .	L.C.C. v. Davis . . .	77 L. T. 693.	98
Q. B. 1897 . . .	L.C.C. v. Rowton Houses, Ltd. . . .	77 L. T. 693.	97
K. B. 1903 and 1904 . . .	Crow v. Davis : see above under heading "Prescribed Distance."		

¹ For meaning of abbreviations, see page 63.

DIVISION IV

CONSTRUCTION

CHAPTER 9

CONSTRUCTION OF ORDINARY BUILDINGS

Notices, Licences, and Fees.

DETAILED reference in this chapter is confined to the provisions dealing directly with construction, and it must not be supposed by anyone glancing at the chapter-heading and the general subject-matter that the whole of the provisions governing the erection of buildings are here dealt with. A person erecting a building in London cannot restrict his outlook merely to those provisions having direct reference to construction. He must bear in mind the numerous general provisions not only of the three London Building Acts of 1894, 1898, and 1905, but of the Metropolis Management Acts, the Public Health (London) Act, 1891, and the various General Powers Acts of the County Council, which Acts have been dealt with in the previous chapters.

In erecting a building, in addition to complying with all constructional requirements it will be necessary to conform to the provisions of the 1894 Building Act with regard to formation of streets, prescribed distance, general line of buildings, projections, height of buildings, open spaces about buildings, etc. Numerous sanitary provisions must also receive attention. Among such are those of the 1894 Building Act with regard to habitable rooms, dwelling-houses erected on low-lying land, and buildings within certain distances of dangerous and noxious businesses. There are also the provisions of the Metropolis Management Acts with regard to drainage, those of the Public Health (London) Act, 1891, with regard to sanitation, and other various hygienic provisions dealt with in Chapter 5. Also, in the case of the larger buildings, there are the requirements with regard to the means of escape in case of fire which are contained in the Factory and Workshop Acts, and in the 1905 Amendment of the London Building Acts. If building in the City of London, the special drainage and sanitary provisions applicable in that area must be taken into account, and in this connection reference should be made to Chapter 16, which is specially devoted to the City regulations.

The present chapter deals with such constructional requirements as are likely to affect the construction of ordinary buildings; the requirements of less general application are dealt with in Chapter 10.

Notice. The first thing that a builder is required to do when carrying out any work in London is to give the statutory 2 clear days' notice to the district surveyor, as provided for by section 145 of the 1894 Building Act. 499 Although in all general cases 2 clear days' notice is required, it is provided by section 149 of the Act that, in cases of emergency, work may be done immediately, subject to the condition that, before the expiration of 24 hours from the time of the commencement of the work, notice is served on the district surveyor. The provisions of section 145 have reference to cases where a "building or structure or work" is about to be begun, or is resumed after having been suspended for more than 3 months, or where the builder in charge is changed. In all these cases notice is required, and the building notice must state the area, height, number of stories, and intended use of the building or structure. A large amount of litigation has arisen as regards the full scope of the expression "building or structure or work," but comparatively few cases have been carried to the High Court. There are, however, two High Court cases, *Venner v. McDonell* [(1897) 1 Q. B. 421], and *Handover v. Meeson* (1903, 67 J. P. 313), which seem to make it clear that a builder erecting temporary staging or seating inside a building, which does not affect the construction of the building, is not required to give notice to the district surveyor. The recent cases of the *County of London Electric Supply Co. v. Perkins* (1908, 72 J. P. 133) and *Moran and Son v. Marsland* [(1909) 1 K. B. 744] are of interest as illustrating the wide scope of the expression "building or structure or work," which in the first instance was held to apply to small boxes constructed under the street in connection with the supply of electric current, and in the second to two covered reservoirs having a combined cubic capacity of over 5,600,000 cubic ft.

Section 209 of the 1894 Building Act has an important bearing on the 514 question of the control of the district surveyor. It is there provided that every addition or alteration to a building, and "any other work made or done for any purpose in, to, or upon a building," except that of necessary repair not affecting the construction of any external or party wall, must be subject to the provisions of the Act and the by-laws relating to new buildings, and consequently notice of such must be given to the district surveyor. Where in any case it appears from the building notice served on the district surveyor that the Act is proposed to be contravened, the district surveyor is empowered by section 150 to serve a notice of objection on the builder. Within 14 days of 499 the receipt of such a notice, an appeal may be made to the police Court, and the magistrate will then make an order affirming or otherwise the district surveyor's objection. Where the district surveyor, upon inspecting any work, finds that the Act has been contravened, he is empowered to serve a notice of irregularity requiring that the work shall be made to comply with the Act. 500

In addition to giving notice to the district surveyor, it will also be necessary to notify the local authority, and where drainage is proposed, to 323 submit plans to the Borough Council for their approval, in accordance with 341 the by-laws made under the Metropolis Management Acts Amendment Act, 691 1899, or if in the City, to the City Corporation in accordance with the 726 regulations and by-laws made by that body.

Notice for Partly Exempted Buildings. Till recently there was some little uncertainty as to whether district surveyors were entitled to receive notice in respect of partly exempted buildings. The question is now, however, 511 on a more settled basis as regards buildings exempt from Parts VI. and VII. of the 1894 Act. It was held by the High Court in the case of *London County Council v. District Surveyors' Association and Willis* [(1909) 2 K. B. 138] that, even on the supposition that school buildings of the Council were exempt from Parts VI. and VII., the district surveyor was entitled to receive notice in respect of their erection.

District Surveyor's Fees. It may be thought, perhaps, that the question of whether or not notice must be given to the district surveyor is after all merely a small matter. But if notice can be legally required, it would also appear that fees must be paid. These fees being calculated on the area of the building and the number of stories, and being also payable for various special services, often amount to a very considerable sum. In the instance of the covered reservoirs, with regard to which the case of *Moran and Son v. Marsland* was contested, the fees amounted to about £297, and, in the case of the Machinery Hall erected at the Franco-British Exhibition, the fees amounted to about £497. It should be noted that the ordinary 521 fees given in the Third Schedule to the 1894 Building Act are modified in the case of works of addition or alteration, and in the case of the construction of public buildings, buildings of concrete, and buildings divided into separate sets of chambers or tenements by party structures. For alterations and additions, half fees are payable, calculated upon the area of the whole building. In the case of public and other specially-mentioned buildings, the ordinary fee is increased by one-half. Fees are strictly payable for quite small works, but when the statutory fee is out of all proportion to the character of the work an abatement is often allowed by the district surveyor. 524 There are, however, clauses at the end of the Third Schedule to the 1894 Act to the effect that no fees are to be charged in respect of the repairing of a chimney top or parapet, unless the top in either case shall have been pulled down to a greater extent than 12 ins. It seems unquestionable that where this very small limit of work is exceeded, a fee is chargeable for repairs to chimney tops and parapet walls. In calculating the area of a new building, all outbuildings not exceeding 30 sq. ft. in area are to be included, if such outbuildings are erected at the same time as the main building. The special fees payable in the case of steel-frame buildings are dealt with in 160 Chapter 12.

Fees for Partly Exempted Buildings. Following on *London County Council v. District Surveyors' Association and Willis*, it was held in *Galbraith Bros. v. Dicksee* (1910, 102 L. T. 890) that, assuming the Council's schools were exempt from Parts VI. and VII. of the Act, the district surveyor was, nevertheless, entitled to charge fees in respect of such buildings. But this problem of notice and fees for partly exempted buildings has probably not yet been finally settled. The question of whether the district surveyors are entitled to receive notice and charge fees in respect of the buildings of railway, dock, canal, and gas companies, naturally appears to arise. Possibly the

decision in a case of this kind would turn upon the construction of the private Act or Acts of the company concerned.

Hoarding Licence. Before any work abutting on a highway can be commenced by a builder it will be necessary for him to apply to the responsible authority for licence to erect a hoarding. In the City he must apply to the City Corporation, and in the rest of London to the local Borough Council. When pulling down buildings in the City it is necessary to comply with the special regulations made by the Corporation as to the erection of hoardings and fans. The 1890 General Powers Act of the County Council provides that (outside the City) every person pulling down or erecting a building within 10 ft. of a public thoroughfare must give notice to the Borough Council and provide, not only a hoarding, but also, if there is sufficient room, a platform with handrail for the convenience of passengers.

Constructional By-Laws.

By-Laws under the Act of 1878. In the erection of a building outside the City the by-laws made under the Metropolis Management and Building Acts Amendment Act, 1878, affecting the foundations and sites of buildings and the quality of the substances of walls must be adhered to. These by-laws do not apply within the City. Under such by-laws the district surveyor, upon receiving the ordinary building notice, may require the plans and sections of the structure to be produced for his inspection. In the case of a public building the by-laws require that plans and sections of sufficient comprehensiveness to show the details of construction shall be deposited with the district surveyor. The other and more strictly constructional provisions of these by-laws may be summarised as follows:—

(A) No building may be erected upon any site filled up or covered with faecal, animal, or vegetable matter, until such refuse has been removed, and any excavation made and not used for basement or cellar has been filled in with hard brick or dry rubbish or concrete, or other suitable material to be approved by the district surveyor.

(B) The site of every house or building must be covered with a layer of good concrete, six inches thick, smoothed on the upper surface.

(C) The foundations of the walls of every house or building must be formed of good concrete not less than 9 ins. thick, projecting at least 4 ins. on each side of the lowest course of footings. But if the site is on a natural bed of gravel the concrete for the foundations may be omitted with the approval of the district surveyor.

The concrete, in this and the preceding case, must be composed of clean gravel, broken hard brick, properly burnt ballast, or other hard material approved by the district surveyor, well mixed with either—

- (a) Freshly burned lime in the proportion of 1 to 6 of the other material; or
- (b) cement in the proportion of 1 to 8 of the other material.

(D) The external walls, except in the case of concrete buildings, are required to be constructed of good, hard, sound, well-burned bricks, or of stone. The schedule of thicknesses of walls will subsequently be referred to in detail.

723 Similar hard sound bricks must be used in the portions of party and cross walls "below the surface or level of the ground, and above the roof." Bricks of a less sound character may be, and in cheap buildings often are, used in other portions of such walls. The mortar must be composed of freshly-burned lime, and clean, sharp sand or grit mixed in the proportion of 1 of lime to 3 of sand or grit.

If cement is used, it must be Portland cement or other cement of equal quality approved by the district surveyor. It must be mixed with clean, sharp sand or grit in the proportion of 1 to 4. Either burnt ballast or broken brick may be substituted for the sand or grit, provided that such material is properly mixed with lime in a mortar mill.

(E) Every wall of a house or building must have a damp-proof course of material impervious to moisture approved by the district surveyor, extending throughout the whole thickness of the wall, at a level of not less than 6 ins. below the level of the lowest floor. It is to be noted that no particular materials are specified for the formation of a damp-proof course; both the construction and the materials are left to the discretion of the district surveyor.

(F) Every external wall or enclosing wall of habitable rooms "or their appurtenances or cellars" which abuts against the earth must be protected by materials impervious to moisture to the satisfaction of the district surveyor.

(G) The top of every party wall and parapet wall must be finished by a course of hard, well-burned bricks set on edge in cement, or by a coping of any other waterproof and fire-resisting material.

515 (H) The thickness of concrete walls is often considered to be governed by Rule 3 in the preliminary to the First Schedule of the 1894 Building Act, where it is laid down that the thickness of every wall not built of bricks or stone or other hard and incombustible substances **laid in horizontal beds or courses** shall be one-third greater than the thickness prescribed in such Schedule. But as concrete when laid between frames is in effect laid in horizontal beds it may be questioned whether the above-quoted portion of the Schedule of the 1894 Building Act applies to concrete walls, and whether it does not rather refer to rubble walling, which is not laid in courses. This view is supported
723 by the provisions of the by-laws. It is here provided that concrete, when used in the construction of walls, must be composed of—

One part of Portland cement;

Two parts of clean sand;

Three parts of a coarse material which may be clean Thames or pit ballast, or gravel, or broken brick or stone, or furnace clinkers, every one of which materials must be broken up sufficiently small to pass through a 2 in. ring.

The walls are to be carried up regularly and in parallel frames of equal height, *i.e.*, it may be said in horizontal beds. The thickness is required under this by-law to be equal at least to the thickness of walls to be constructed of brickwork prescribed in the First Schedule of the Metropolitan Building Act, 1855. This Schedule has of course been repealed, but it seems
515 from the provisions of section 218 of the 1894 Building Act that any reference in the by-laws to such repealed Schedule is to be taken as a reference to the

corresponding Schedule of the 1894 Act. Consequently it would appear that concrete walls laid in horizontal beds or courses need not be of greater thickness than that required for brick walls under the First Schedule of the Act of 1894. 516

Dispensation of By-law. In considering the effect of the preceding by-laws it is most important to notice that in any case where the Council think it desirable they may dispense with the observance of any of such by-laws. Cases not infrequently arise in connection with the erection of buildings of unusual character where application may very reasonably be made for exemption from the provisions of such a by-law as that requiring a 6-in. depth of concrete over the site. Foundries, where there is a sand floor, constitute a case of this kind. 724

By-laws under the Act of 1890. In addition to the preceding by-laws, the by-laws made by the Council under the London County Council (General Powers) Act, 1890, which do not apply in the City, must be complied with. These have reference to plastering and to the filling up of excavations. Laths for plastering are to be sound and free from sap, but iron or other incombustible laths, wire netting or other suitable materials approved by the district surveyor may be used. The coarse stuff for plaster is to be composed of lime and sand in the proportion of 1 to 3, together with not less than 1 lb. of hair to every 3 cub. ft. of the coarse stuff. Portland cement or other approved cement may be used instead of lime. Fibrous materials approved by the district surveyor may be used instead of hair, and ground brick or furnace slag, approved by him, may be used instead of sand. The setting-coat is to be composed of lime or cement mixed with clean washed sand, or of cement alone. Fibrous slab or other slab plastering of sufficient thickness, and securely fixed, may be used if approved by the district surveyor. 724

The provisions with regard to the filling up of excavations are supplemental to those contained in the by-laws made under the Metropolis Management Amendment Act, 1878. These supplemental provisions require that any excavation made within 3 ft. of a building must not be filled up otherwise than with natural soil or with brick or dry rubbish approved by the district surveyor, and properly rammed. 725 722

Fees under By-laws. Under each of the two preceding sets of by-laws the district surveyor is entitled to a fee of five shillings in respect of every building supervised by him. { 723 725

Various Classes of Buildings.

It is provided by the Preliminary to the First Schedule of the 1894 Building Act that every building, unless otherwise sanctioned, must be enclosed with walls constructed of brick, stone, or other hard and incombustible substances, but open sheds not exceeding 16 ft. in height and 400 sq. ft. in area may be constructed of any substances and in any manner approved by the district surveyor. Presumably a shed enclosed on one, or possibly two, sides may be considered as "open," but any enclosures provided 515

will usually be required to be of brickwork. Under section 74 of the Act a building is required to be separated either by an external wall, or by a party wall or "other proper party structure" from the adjoining building or buildings. The term "proper" as thus used is not anywhere explained in the Act. By section 58 of the Act, walls are required to be constructed of the substances, in the manner, and of not less than the thickness prescribed by the Act or mentioned in the First Schedule. Temporary and special buildings, the enclosures of which need not be of brickwork, and for the erection of which the consent of the Council must be obtained under Part VII. of the 1894 Building Act, are dealt with in Chapter 10.

What is a Building? The first question which naturally suggests itself is, "What is a building?" But the term "building" is not defined anywhere in the Act, nor do there appear to be any cases decided by the higher Courts from which any general rule may be deduced. Any particular case must consequently be determined solely upon its merits, the character of the construction, and the use to which the alleged building can be put, being presumably chief among the governing considerations. The expression "new building" is defined in section 5 (6) as (a) any building erected after the commencement of the Act; (b) any building taken down for more than one half its cubical extent, and re-erected after the commencement of the Act; (c) any space between walls which is roofed over after the commencement of the Act.

What is a Single Building? The question, consequent upon the first, which then arises is, "What is a single building?" It does not appear from any of the provisions of the building law that there is any limitation whatever to the size of a building, so long as, if it is used for trade or manufacture, it is properly sub-divided by division walls, in accordance with the provisions of section 17 of the London County Council (General Powers) Act, 1908. Many persons contend on the strength of section 74 (1), 71 (1), and section 5 (20) of the 1894 Building Act, where references to party structures occur, that buildings may be separated horizontally—that is to say, one building may be placed on top of another; but the acceptance of such a view gives rise to many difficulties. To take one notable instance: the provisions of the Act as to the height of party walls "above the roof, flat, or gutter of the highest building adjoining thereto," apparently prohibit, in ordinary cases, the lateral extension of a high building over a lower one. If lateral extension is not possible, superimposed buildings can rarely be conveniently erected, except on sites which abut on two or more streets of greatly varying levels. They thus hardly appear to have been contemplated by the Act. Also, if buildings are allowed to be superimposed, there are evidently, in the case of two domestic buildings placed one above the other, great difficulties as regards the measurement of the open space at rear, and the level at which the diagonal line is to be commenced to be drawn. The solution to the problem may possibly be that the provisions of section 71 as to the construction of party floors were inserted in the 1894 Act in order to obtain efficient fire separation in the case of the re-erection, under section 43, of a domestic building which might, as sometimes happens in old buildings, extend on the upper stories for a few feet over the lower portion of the adjoining building.

The question of whether superimposed buildings are contemplated by the Act is one, however, on which there is, I believe, considerable difference of opinion among the district surveyors, and if, in any case, interests of importance are involved, it will certainly be desirable to obtain legal opinion.

Classes of Buildings. The constructional provisions of the 1894 Building Act have reference to three classes of buildings: (1) domestic buildings, (2) buildings of the warehouse class, and (3) public buildings. The term "domestic building" is stated to include a "dwelling-house," which is defined as a building used, or constructed or adapted to be used, wholly or principally for human habitation. The judges in the case of *London County Council v. Rowton Houses, Ltd.* (1897, 77 L. T. 693), which was referred to in Chapter 8, were strongly of opinion that, although a dwelling-house is included by definition in the term "domestic building," yet a public building, for the purpose of Part II. of the Act, may be a dwelling-house.

A domestic building is very briefly defined as including "a dwelling-house and any other building not being a public building or of the warehouse class." This definition is specially varied by section 39 for the purpose of Part V. of the Act, but this affects only the open space provisions which have been already dealt with in Chapter 7.

Building of the warehouse class is stated to mean "a warehouse, factory, manufactory, brewery or distillery, and any other building exceeding in cubical extent 150,000 cub. ft. which is neither a public building nor a domestic building." It should be noted that these two definitions are in part cross-referenced to one another, and a clear understanding of their meaning is thus most difficult.

Public building is responsible for a definition so lengthy that the reader is referred for the full rendering to the Act itself. It may be well, however, to point out that the definition divides itself into two parts: (1) a statement of the several classes of buildings which come within the definition, irrespective of their size or accommodation, and (2) the inclusion within the definition of "a building used, or constructed or adapted to be used, as an hotel, lodging-house, home, refuge or shelter, where such building extends to more than 250,000 cub. ft., or has sleeping accommodation for more than 100 persons."

Scope of Definitions. The scope of these three definitions is a question of great practical importance. There are different schedules of wall thicknesses for ordinary non-public buildings, and for buildings of the warehouse class, and the decision as to within which of the two classes a building falls determines the application of constructional provisions of various kinds. The applicability of the air space provisions, to which "domestic buildings," as defined by section 39, must conform, is a most important point. The question of whether or not a building was of the warehouse class had vital influence on the application of the cubical extent provisions of the 1894 Act, until the passing of the London County Council (General Powers) Act, 1908. As amended, however, the cubical extent provisions now apply to all buildings used for trade or manufacture. The fact that the construction of public buildings is governed not at all by Schedule, and hardly at all by detailed provisions specified

in the Act, but, subject to the right of appeal, is required to be to the satisfaction of the district surveyor, makes these buildings constitute a class entirely apart. On the determination of whether a building is or is not a public building, the whole form of detailed construction may depend.

As so very much depends upon these definitions of the different classes of buildings, it is most unfortunate that they are not more certain in their effect. The scope of the definition of a "building of the warehouse class," which has an influence upon the definition of "domestic building," seems very difficult to ascertain. A warehouse, factory, manufactory, brewery, and distillery, are of course specifically included, but it seems uncertain whether a building used as a workshop is a "domestic building" or a "building of the warehouse class." Presumably some meaning must be allowed the words "any other building exceeding in cubical extent 150,000 cub. ft. which is neither a public building"—and then follows that most disconcerting cross-reference—"nor a domestic building." If this be so, possibly such buildings as workshops are "domestic buildings" if under 150,000 cub. ft. in extent, and "buildings of the warehouse class" if they exceed this cubical extent. But in this case, however, unless some additional meaning is to be read into the special definition of domestic building given in section 39, there will be the resulting anomaly that, while both office buildings, and warehouses are not affected by the open space provisions of the Act, the exemption from such provisions will not apply to a workshop if its extent is under 150,000 cub. ft. As there appear to have been no cases contested in the Courts with regard to these definitions, it is to be assumed that the district surveyors have been content to deal with each one of these doubtful cases on what may be termed its practical merits, considering such a building as a "domestic building" if on this basis it were possible to secure the most satisfactory form of arrangement and construction, and a "building of the warehouse class" if this treatment has more particularly recommended itself. But such a method of administration can hardly be justified from the legal standpoint.

Hotels and lodging-houses of such a size and with such accommodation as to come within the definition of "public building" constitute another difficult problem. While an hotel not exceeding 250,000 cub. ft. in cubic extent, nor having sleeping accommodation for more than 100 persons, must comply with the provisions of section 41, it is sometimes contended that an hotel, exceeding 250,000 cub. ft. in cubic extent, or having sleeping accommodation for over 100 persons, and being thus a public building, is not governed by this section. It is to be noticed that Mr. Bernard Dicksee in his "London Building Acts" states in a note to section 39 of the 1894 Act that these large hotels and lodging-houses are probably excluded from the expression "domestic building" for the purposes of Part V., but he goes on to remark that Mr. Justice Hawkins in the case of *London County Council v. Rowton Houses, Ltd.* (1897, 77 L. T. 693) expressed doubt on this point. I think, however, that a very careful reading of not only the remarks of Mr. Justice Hawkins on this point, but also those of the other presiding judge, Mr. Justice Channell, will hardly justify this construction, but will illustrate the fact that a distinction was made by them between the term "dwelling-house" as used in Part II. (under which the case

in question had arisen) and the term "domestic building" as generally used throughout the Act, and particularly as specially applying to Part V. Consequently the remarks of the judges, though of importance, have only an indirect bearing on the present point.

Many district surveyors, I believe, enforce the open space provisions of the Act in the case of all hotels, irrespective of their size or accommodation. In all ordinary cases it will be desirable, from the practical standpoint, to comply with such provisions. If, however, in any particular case, the provisions are found to operate in a very restrictive manner, it may be desirable to obtain legal opinion as to the likelihood of success in the proceedings which may be expected to follow any non-compliance with the requirements of section 41.

Schedule of Wall Thicknesses.

Leaving these definitions of the three classes of buildings, after a reference which has perforce been rather on the lines of illustrating than attempting to elucidate the difficulties, and coming to the detailed regulations affecting construction, we arrive on more stable ground.

The First Schedule of the 1894 Building Act contains the whole of 515 the regulations governing the thickness of walls of "buildings not public and not of the warehouse class" and "buildings of the warehouse class." The Preliminary to such Schedule must first be dealt with, as it contains several rules affecting the measurement both of the height of the stories, and the height and length of walls. The height of a topmost story is to be measured 516 from the underside of its floor joists to the level of the underside of the tie of the roof, or if there is no such tie, to half the vertical height of the rafters. The height of every other story is to be measured from the underside of the floor joists to the underside of the floor joists above. This is different from the method specified by section 70 for measuring the height of habitable 476 rooms, where the height from the floor to the ceiling must be taken.

The thickness of a wall depends upon both the height and length of the wall. The height of a wall is to be measured from the base of the wall to the 516 top of the topmost story, irrespective of whether such wall is carried up to this height, or in the case of a gable where there are no stories in the roof to half the height of the gable. This is quite different from the measurement of the height of a building, which is, roughly speaking, from the footway to the top of 455 the parapet, or the base of a gable where such occurs. The expression "base" of a wall is defined by section 5 (10) to mean "the under-side of the course 454 immediately above the footings, if any"; or in the case of a wall carried by a bressummer, the underside of the course immediately above such bressummer. Bressummer is defined in the same section as "a wooden beam or a metallic 454 girder which carries a wall." Walls are considered to be divided into distinct lengths by return walls, and the length of a wall is the distance from the 516 centre of one return wall to the centre of another, provided that such return walls are external, party, or cross walls of the thickness required by the Schedule, and that the walls are all properly bonded together. No mention is made of the length which is necessary to constitute a return wall; presumably

the question of whether a "break" in a wall is of sufficient importance to enable the returned portion of the wall to be treated as a return wall is one to be decided upon the merits of each particular case.

516 **Constructional Rules.** The Preliminary to the First Schedule also contains a few rules as to general construction. The rule as to the enclosing of every building (except certain open sheds) with walls has already been mentioned. It is further provided that the substances of all walls must be properly bonded together—a provision which has latterly caused a little trouble in cases where piers of reinforced concrete with a facing of brickwork, making a total thickness equal to that required by the Schedule, have been proposed. All return walls must also be properly bonded together, and no part of any wall may overhang the part beneath to a greater extent than 6 ins., and this only on the condition that the other side is carried up in one continuous vertical face. Where a hollow wall is constructed, there must be a wall of the full thickness prescribed by the Act on one side of the hollow space. Unless special consent be obtained from the Council, every wall, other than a wall carried on a bressummer, must have footings of a width equal to double the thickness of the wall, but where an adjoining wall interferes, the projection of the footings on this side may be omitted. All works of underpinning and thickening walls must be executed in cement, and must be to the satisfaction of the district surveyor.

516 **Thickness of Walls: Ordinary Buildings.** The following constitutes a summary of the portion of the Schedule governing the thickness of the walls of ordinary buildings, or as the Act puts it, "buildings not public and not of the warehouse class."

BUILDINGS NOT PUBLIC AND NOT OF THE WAREHOUSE CLASS.

Height not exceeding.	Thicknesses of external and party walls; cross walls two-thirds such thicknesses, but never less than $8\frac{1}{2}$ ins.
25 ft.	If not exceeding 30 ft. in length, and not exceeding two stories; $8\frac{1}{2}$ ins. for whole height.
	If exceeding 30 ft. in length or exceeding two stories; topmost story $8\frac{1}{2}$ ins.; remainder 13 ins.
40 ft.	If not exceeding 35 ft. in length; topmost story $8\frac{1}{2}$ ins.; remainder 13 ins.
	If exceeding 35 ft. in length; one story $17\frac{1}{2}$ ins.; remaining stories below topmost story 13 ins.; and topmost story $8\frac{1}{2}$ ins.
50 ft. (See next page for thickness when length exceeds 45 ft.)	If not exceeding 30 ft. in length; one story $17\frac{1}{2}$ ins.; remaining stories below topmost story 13 ins.; and topmost story $8\frac{1}{2}$ ins.
	If exceeding 30 ft. but not exceeding 45 ft. in length; two stories $17\frac{1}{2}$ ins.; remainder 13 ins.

BUILDINGS NOT PUBLIC AND NOT OF THE WAREHOUSE CLASS—*continued.*

Height not exceeding.	Thicknesses of external and party walls ; cross walls two-thirds such thicknesses, but never less than $8\frac{1}{2}$ ins.
50 ft. . . { (<i>continued.</i>)	If exceeding 45 ft. in length ; one story $21\frac{1}{2}$ ins. ; one story $17\frac{1}{2}$ ins. ; remainder 13 ins.
60 ft. . . {	If not exceeding 45 ft. in length ; two stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; one story $21\frac{1}{2}$ ins. ; two stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
70 ft. . . {	If not exceeding 45 ft. in length ; one story $21\frac{1}{2}$ ins. ; two stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; wall to be made $4\frac{1}{2}$ ins. thicker (subject to pier provisions) on all stories below uppermost two stories.
80 ft. . . {	If not exceeding 45 ft. in length ; one story $21\frac{1}{2}$ ins. ; three stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; wall to be made $4\frac{1}{2}$ ins. thicker (subject to pier provisions) on all stories below uppermost two stories.
90 ft. . . {	If not exceeding 45 ft. in length ; one story 26 ins. ; one story $21\frac{1}{2}$ ins. ; three stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; wall to be $4\frac{1}{2}$ ins. thicker (subject to pier provisions) on all stories below the uppermost two stories.
100 ft. . . {	If not exceeding 45 ft. in length ; one story 26 ins. ; two stories $21\frac{1}{2}$ ins. ; three stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; wall to be $4\frac{1}{2}$ ins. thicker (subject to pier provisions) on all stories below the uppermost two stories.
120 ft. . . {	If not exceeding 45 ft. in length ; one story 30 ins. ; two stories 26 ins. ; two stories $21\frac{1}{2}$ ins. ; three stories $17\frac{1}{2}$ ins. ; remainder 13 ins.
	If exceeding 45 ft. in length ; wall to be $4\frac{1}{2}$ ins. thicker (subject to pier provisions) on all stories below uppermost two stories.

Stories of Excessive Height. No story enclosed with walls less than 13 ins. thick may exceed 10 ft. in height between the floor and the ceiling, or

the floor and the tie of the roof. If any story exceeds in height 16 times the thickness prescribed for the external and party walls of that story, such walls must (subject to pier provisions) be increased to one sixteenth the height of the story, and the walls below the story increased "to a like extent."

518 *Pier Provisions.* In this last-mentioned case, and in all cases where an increase below the uppermost two stories is required as regards walls more than 60 ft. in height and exceeding 45 ft. in length, such increased thickness "may be confined to piers, properly distributed, of which the collective widths amount to one-fourth part of the length of the wall."

518 **Thickness of Walls: Buildings of Warehouse Class.** In buildings of this class the thickness of walls at the top, and for 16 ft. below the top must be $13\frac{1}{2}$ ins., except that, in walls not exceeding 30 ft. in height, the walls of the topmost story may be 9 ins., provided that the height of such story does not exceed 10 ft. The thickness of walls at the base is given in the following list.

BUILDINGS OF THE WAREHOUSE CLASS.

Thicknesses of external and party walls; cross walls two-thirds this thickness, but never less than $8\frac{1}{2}$ ins.

Height not exceeding.	Thickness of walls at base.
25 ft. . .	In all cases 13 ins.
30 ft. . .	If not exceeding 45 ft. in length; 13 ins.
	If exceeding 45 ft. in length; $17\frac{1}{2}$ ins.
40 ft. . .	If not exceeding 35 ft. in length; 13 ins.
	If exceeding 35 ft. but not exceeding 45 ft. in length; $17\frac{1}{2}$ ins.
	If exceeding 45 ft. in length; $21\frac{1}{2}$ ins.
50 ft. . .	If not exceeding 30 ft. in length; $17\frac{1}{2}$ ins.
	If exceeding 30 ft. in length, but not exceeding 45 ft.; $21\frac{1}{2}$ ins.
	If exceeding 45 ft. in length; 26 ins.
60 ft. . .	If not exceeding 45 ft. in length; $21\frac{1}{2}$ ins.
	If exceeding 45 ft. in length; 26 ins.
*80 ft. . .	If not exceeding 45 ft. in length; $21\frac{1}{2}$ ins.
	If exceeding 45 ft. in length; wall to be made $4\frac{1}{2}$ ins. thicker (subject to pier provisions) to within 16 ft. of the top.

* The 70 ft. and 90 ft. divisions of height are omitted, as they have no effect on the thickness. Attention is drawn to the extraordinary fact that, while a wall 51 ft. in height and exceeding 45 ft. in length must be 26 ins. thick throughout at the base, a wall 80 ft. in height and exceeding 45 ft. in length may be only $21\frac{1}{2}$ ins. thick with $2\frac{1}{4}$ in. piers on either side.

BUILDINGS OF THE WAREHOUSE CLASS—continued.

Height not exceeding.	Thickness of walls at base.
*100 ft. .	If not exceeding 45 ft. in length ; 26 ins.
	If exceeding 45 ft. in length ; wall to be made $4\frac{1}{2}$ ins. thicker (subject to pier provisions) to within 16 ft. of the top.
120 ft.	If not exceeding 45 ft. in length ; 31 ins.
	If exceeding 45 ft. in length ; wall to be made $4\frac{1}{2}$ ins. thicker (subject to pier provisions) to within 16 ft. of the top.

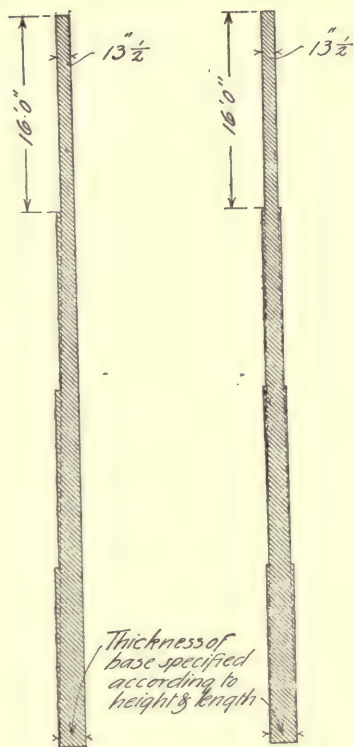
The intermediate thickness must not be less than if the wall were built solid throughout the space between two straight lines joining the thickness at the base with the thickness 16 ft. below the top. Of this there are the two instances shown in the accompanying diagram :—

Stories of Excessive Height. If any story exceeds in height 14 times the thickness prescribed for the external and party walls of that story, such walls must (subject to pier provisions) be increased to one-fourteenth the height of the story, and the walls below the story increased “to a like extent.”

Pier Provisions. In this last-mentioned case, and in all cases where an increase in thickness to within 16 ft. of the top is required as regards walls more than 60 ft. in height and exceeding 45 ft. in length, such increased thickness may be confined to piers properly distributed “of which the collective widths amount to one-fourth part of the length of the wall.”

Economy of Brickwork. In the case of walls of buildings of the warehouse class, where the Schedule does not require the changes in thickness necessarily to coincide with the divisions between the stories, it not infrequently happens that brickwork may be saved by arranging these changes of thickness to take place midway between the stories, usually, in the case of external walls, at the level of the window sills.

Cross Walls are required, as stated in the headings of the foregoing summaries, to be two-thirds the thickness of external or party walls, but not less than $8\frac{1}{2}$ ins., and no wall is a statutory cross wall unless it is carried up



* See note on p. 116.

to the floor of the topmost story, and unless in each story the aggregate extent of the recesses and openings in such wall does not exceed one-half the superficial extent of the wall. Wherever a cross wall becomes in any part an external wall it must be of the thickness required for an external wall throughout, presumably, the whole of its height. A cross wall is defined by section 5 (17) to mean "a wall used or constructed to be used in any part of its height as an inner wall of a building for separation of one part from another part of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation."

Public Buildings, to which incidental reference has been made in connection with the definition of the various classes of buildings, are dealt with in detail in Chapter 10, which is devoted to buildings and structures of special character. It should be noted that the detailed constructional provisions mentioned in the present chapter do not refer to public buildings. The construction of such buildings is determined by the district surveyor.

Various Constructional Provisions.

Vaults and Cellars under Streets. It is provided by section 125 of the City of London Sewers Act, 1848, and section 101 of the Metropolis Management Act, 1855, that no vault or cellar may be made under any street without the consent of the City Corporation or Borough Council, as the case may be. Where such works are proposed, application for consent must consequently be made to the local authority.

Definition of Party Wall. Thus far, with the exception of the comparatively minor provisions allowing the use of bricks of a softer quality in certain portions of a party wall, it has been immaterial, for the purpose of ascertaining the scope of the requirements of the law, whether a wall was an external or party wall; the statutory thickness, to take one important point, is exactly the same. Now, however, in treating of the miscellaneous constructional provisions of the Act, it happens that those affecting walls apply with greater stringency in the case of a party wall. It is necessary therefore to look at the definition of this term. Party wall is defined in section 5 (16) of the 1894 Building Act as meaning :—

"(a) A wall forming part of a building, and used or constructed to be used for separation of adjoining buildings belonging to different owners, or occupied or constructed or adapted to be occupied by different persons; or

"(b) A wall forming part of a building, and standing to a greater extent than the projection of the footings on lands of different owners."

This definition must presumably be read together with the provisions of section 58 of the Act, which are as follows: "In either of the following cases—

"(a) When a wall is, after the commencement of this Act, built as a party wall in any part; or

"(b) Where a wall built before or after the commencement of this Act becomes, after the commencement of this Act, a party wall in any part;

the wall shall be deemed a party wall for such part of its length as is so used." The object of the provisions of section 58 is presumably to admit of a wall being erected on lands of different owners without it being required to conform with the requirements of the Act as to party walls until, by the erection of buildings on both sides, it is used as a party wall.

Party or External Wall? Great difference of opinion in connection with the application of the term "party wall" has occurred in cases where a wall separates two buildings for only a part of its height, and the upper portion of the wall merely acts as an enclosure wall to the higher building. In the case of *Williams v. Bull* (*Times*, February 15th, 1890), which was contested under the Metropolitan Building Act, 1855, it was held that when one owner raised a party wall, and the adjoining owner afterwards increased the height of his building, and made use of the raised portion of the wall, the first-mentioned owner could not recover any payment from the adjoining owner for the use of the wall. It is considered by some that the direct inference to be drawn from this decision is that a party wall is a party wall for the whole of its height, as, if otherwise, the Court in this case condoned a trespass on an external wall. But, although this contention was advanced on behalf of the successful party, the decision of the Court appears to have been based principally on the fact that there was no provision in the Metropolitan Building Act, 1855, for payment for the increased use of a wall. A provision to this effect now occurs in the 1894 Building Act. 478

In the case of *Drury v. Army and Navy Auxiliary Co.* [(1896) 2 Q. B. 271] it was held that a "party wall" ceased to be a party wall 3 ft. above the roof of the lower building. This wall, however, was not a party wall in the ordinary sense of the term, but a "party wall" separating different divisions of a building of the warehouse class for the purpose of complying with the now superseded cubical extent provisions of the 1894 Building Act. 479

Mr. Bernard Dicksee, in a note to section 58 of the Act, puts forward in his book on the London Building Acts a very strong case for the view that an ordinary party wall is a party wall throughout the whole of its height. He points out that a party wall is required by section 59 of the Act to be carried up "above the roof, flat, or gutter of the highest building adjoining thereto," and draws attention to a still more pertinent point, that under the provisions of section 101 of the Act a person is allowed to restore a window light in a party wall, and that the Act consequently appears to allow for a wall which divides buildings still remaining a party wall if carried up above one of them. 489

The fact that the expression occurring at the end of section 58, "for such part of its length as is so used" especially deals with length only and not height strengthens the view that a party wall remains a party wall throughout the whole of its height. It should be noted that a cross wall, which is recognised by the First Schedule to the 1894 Act to be capable of becoming an external wall, is defined as a wall used in any part of its height for the separation of one part of a building from another part. The omission of the word height in section 58 is thus of special significance. 520 455

On the other hand, in the case of *Weston v. Arnold* (1873, 8 Ch. A. 1084) it was held under certain local Acts in Bristol that a wall could be a party

489 wall for a portion of its height, and an external wall for the rest of its height. A decision to the contrary would, however, have deprived Weston, the plaintiff, of his right to retain windows in the upper portion of his wall when the wall was rebuilt. Such a right is specially preserved in London by section 101 of the 1894 Act. This case of *Weston v. Arnold* is one which is often quoted, and, in my perusal of the reports of the various cases referred to in this volume, it has appeared to me, from the incidental remarks of the judges when questions relating to party walls have arisen, that the decision in this case is considered to affect London. If, however, a case is at some future time contested dealing directly with the question of party walls in London, and the bearing of the several sections of the London building law on this point is carefully investigated, it is possible that the law on this point in London will be held to be different from that in the rest of the country.

471 **Rules as to Recesses.** Recesses may be made in external or party walls if they comply with the following conditions in section 54, that—

RECESSES IN WALLS.

In External Walls	In Party Walls
(a) The backs are not less than $8\frac{1}{2}$ ins. thick.	(a) The backs are not less than 13 ins. thick.
(b) The total area of recesses above the ground story, combined with that of openings above the ground story, does not exceed one half of the area of the wall, above the ground story, in which such recesses and openings are made.	(b) Except in the case of recesses for lifts, an arch of two rings of brickwork of the full depth of the recess must be turned on every story, but where the depth of the recess does not exceed 5 ins., corbelling may be substituted for arching.
(Although the wording of the section might be clearer, it is customary to take the practical view that there is no limitation to the area of recesses and openings on the ground and basement stories.)	(c) The total area of the recesses in each story does not exceed one-half the superficial area of the wall in that story.
	(d) Recesses do not come within $13\frac{1}{2}$ ins. of the inner face of an external wall.

625 The superintending architect has power, upon application being made to him, to consent to any modification or relaxation of the requirements with regard to recesses. This applies also with regard to openings in external walls.

471 **Rules as to Openings.** The limitation of openings in *external walls* is that the area of such openings, plus the area of recesses—both measured above the ground story—shall not exceed one-half the area of the wall above such story.

585 The provisions of the law as to openings in *party walls*, now contained in section 18 of the London County Council (General Powers) Act, 1908, in substitution for the repealed provisions of section 77 of the 1894 Building Act, are necessarily much more restrictive in effect than those having reference to openings in external walls. The formation of an opening in a wall

separating buildings of course unites such buildings, and except with the consent of the Council, it is not lawful to unite buildings unless (a) they are wholly in one occupation, and (b) when so united and considered as one building they would be in conformity with the 1894 Building Act, and the 1908 General Powers Act. The consent of the Council is, however, often given to the uniting of buildings in different occupations, particularly when the formation of the desired openings affords facilities for escape in case of fire. It is stated, however, in the regulations issued by the Council with regard to applications under the General Powers Act of 1908, that an application for the uniting of a building of the warehouse class with any other building will not be entertained when the combined cubical extent of the two buildings exceeds 250,000 cub. ft., unless both buildings are wholly in the same occupation.

Formation of Party Wall Openings. No opening may be made in any wall separating "divisions" of a building used for trade or manufacture, or in any party wall or in two external walls—side by side—separating buildings (whether used for trade or manufacture or not) which if taken together would extend to more than 250,000 cub. ft., unless the openings be fitted with double iron doors or shutters placed apart the full thickness of the wall, in order to provide a good fire check. The detailed construction of the doors is specified in the section, but it is provided that the Council may approve the construction of doors or shutters of other fire-resisting materials. Armoured doors of wood covered with sheet iron, and shutters of steel constructed in such a manner as to allow for expansion have been on many occasions approved by the Council, and some fire experts are of opinion that such doors or shutters, if constructed and fitted in a thoroughly sound manner, are practically as good as iron doors, which have been found to expand and twist about under excessive heat. When a party wall acts as a subdividing wall for cubical extent purposes, the openings on any particular story may not, taken together, exceed in width one half the length of the wall in which they are formed. The ordinary limit of such openings is—

width 7 ft.

height 8 ft., or 9 ft. 6 ins. if the iron doors are placed not less than 2 ft. apart.

In thin walls this increased distance apart is obtained by giving the walls a slight return round the opening.

Sometimes, in order to comply with the standard requirements of the Fire Offices Committee, the doors are placed as much as 6 ft. apart, an exceedingly efficient fire check being thus obtained. The question of the limitation of cubical extent of buildings used for trade or manufacture is dealt with in Chapter 10.

Large Party Wall Openings. Despite the ordinary provisions of the Act as to size of openings, the Council have power under the General Powers Act of 1908 to allow openings of any width they may deem fit. A width of 10 ft. and a height of 12 ft. seems about the limit to which the Council will go, in the cases where they think fit to exercise their powers in this direction. The Selfridge building, Oxford Street, forms a noteworthy instance where the

general provisions of the Act as to openings in "division walls" have been very materially relaxed. This building is, however, not only of fire-resisting construction, but is fitted with automatic sprinklers for the purpose of immediately quenching a fire; and in dealing with an application for increased size of openings the Council's decision is likely to depend very considerably on these two points: the character of the construction, and the precautions taken for preventing a serious outbreak of fire. It is stated, in the regulations for applications under the 1908 General Powers Act, that applications for consent to openings in excess of the statutory size in party walls will not be entertained unless the buildings affected are constructed throughout of incombustible materials, and unless, in each opening, the double iron doors or shutters are placed at a distance apart of not less than one-fourth the width of the opening. The ordinary requirements of the Act, as to the combined width of party wall openings on each floor not being allowed to exceed half the length of the party wall in any case where such party wall acts as a subdividing wall for cubical extent purposes, are insisted on by the Council.

The provisions of sub-section 5 of section 18 of the 1908 General Powers Act as to the formation of openings in walls between two buildings already united should receive attention. Whether this sub-section would be held absolutely to prohibit the formation without consent of a single further opening in a wall between two buildings already united by a dozen openings in such wall, may seem rather problematical. But in such a case the consent of the Council would hardly be withheld.

Simple Openings in Party Walls. Where the buildings to be united by a party wall opening are wholly in one occupation and do not, taken together, exceed 250,000 cub. ft., there is no direct limitation of the size of the openings. It is necessary, however, to consider whether the external and other walls, if any, which are bonded into the party wall, are of sufficient thickness according to the Schedule, with the measurements of length taken as if the party wall were non-existent. If the party wall cannot be thus disregarded, and is required to be considered as a return wall, the wall must not be cut away to a greater extent than that permissible in the case of a statutory cross wall, which, as the buildings when united are to be considered as one building, the wall in effect becomes.

The Closing of Openings in Party Walls, unless the Council's consent can be obtained to their retention, is required when buildings which have been united cease to be in one occupation. Openings must be closed by properly bonded brick or stonework $8\frac{1}{2}$ ins. thick in a wall of this thickness, and $13\frac{1}{2}$ ins. thick in all other cases. Notice must be given to the district surveyor before the work is commenced.

Chases in Party Walls must comply with the following rules:—

- (1) Greatest width 14 ins.
- (2) Greatest depth $4\frac{1}{2}$ ins.
- (3) Least thickness of back $8\frac{1}{2}$ ins.
- (4) A chase must not be made within a distance of 7 ft. from another chase on the same side of the wall, or within 13 ins. from an external wall.
- (5) No chase may be made in a wall of less thickness than 13 ins.

Woodwork in External Walls must be set back 4 ins. from the face 471
of the wall, except :—

- (1) Bressummers, and story posts under them.
- (2) The frames of doors and windows of shops on the ground story.
- (3) Loophole frames, and the frames of doors and windows.

But the Council may exempt from the above provisions "oak, teak, or other wood" 625
provided that the work is constructed to the satisfaction of the district surveyor.

Woodwork in Party Walls. Timber bressummers, joists, and story 472
posts must be at least 4 ins. distant from the centre line of party walls, and no
bond timber or wood plate may be built into a party wall.

Rules as to Bressummers. Every bressummer must have a bearing { 454
at each end (in addition to its bearing on any party or external wall) of at { 472
least 4 ins. upon "a sufficient pier of brick or stone, or upon a timber or iron
story post fixed on a solid foundation," and the district surveyor has also
power, at his discretion, to require "such other story posts, iron columns,
stanchions, or piers of brick or stone, or corbels, as may be sufficient to carry
the superstructure." This power in practice enables the district surveyor to
require the strength of bressummers to be to his satisfaction.

At the end of every metallic bressummer a space is required to be left,
equal to $\frac{1}{4}$ in. for every 10 ft. of length, in order to allow for expansion. In
the case of riveted steelwork, this requirement is not enforced.

Every bressummer bearing upon a party wall must be borne by a "templet
or corbel of stone or iron" extending through at least half the thickness of
the wall and of the width of the bressummer. The end of any timber not
allowed to be placed in a party wall may be carried "on a corbel or templet
of stone or iron or vitrified stoneware" tailed $8\frac{1}{2}$ ins. into the wall, or
otherwise supported to the satisfaction of the district surveyor.

The Height of Parapets, in the case of external walls, is governed by 472
the Building Acts only when any part of the gutter adjoining such a parapet
is formed of combustible materials; in such cases the parapet must be carried
at least 1 ft. above the highest part of the gutter, and be at least $8\frac{1}{2}$ ins. thick.

Party Walls Above Roof. Every party wall must be carried up of a 472
thickness and to a height, measured at right angles to the slope of the roof,
or measured from the highest part of any flat or gutter, as follows :—

THICKNESS AND HEIGHT OF PARTY WALLS ABOVE ROOF.

Character of Building.	Thickness of Wall.	Height of Wall.
Building of warehouse class ex- ceeding 30 ft. in height.	The thickness of wall in topmost story.	3 ft.
Building of warehouse class not exceeding 30 ft. in height.	The thickness of wall in topmost story.	15 ins.
Any other building not being a public building.	$8\frac{1}{2}$ ins.	15 ins.

Also every party wall must be carried up of the thickness above mentioned at least 12 ins. higher and wider than any turret, dormer, lantern light, or other erection of combustible materials fixed upon the roof of any building and within 4 ft. from such party wall.

Further, every party wall must be carried up above any part of any roof opposite thereto, and within 4 ft. therefrom.

- 473 **The Construction and Slope of Roofs.** "The flat gutter and roof of every building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof thereof" is required to be externally covered with slates, tiles, metal, or other incombustible materials, but wooden cornices and barge-boards to dormers not exceeding 12 ins. in depth, and the frames and sashes of such dormers, turrets, lanterns, and skylights are exempt from this requirement. There is no definition of the term "incombustible material," but presumably it may be taken to mean "unburnable" at ordinary temperatures, and it seems almost certain that several of the patent bituminous roofing materials often used in the provinces do not in themselves comply with the section. But when these, as is frequently the case in flat roofs, are covered with an inch or so of ballast it would not appear that the provisions of the Act are contravened. In the case of *Payne v. Wright* [(1892) 1 Q. B. 104] it was held that a material consisting of woven iron wire covered with an oily compound was not an incombustible material.

The maximum allowable slopes of roof surfaces are as follows—towers, turrets, or spires being exempt from such limitation of slope:—

A BUILDING OF THE WAREHOUSE CLASS.

47 deg. with the horizontal.

ANY OTHER BUILDING.

75 deg. with the horizontal.

- There are two special provisions applicable to "domestic buildings" with regard to which term, as these provisions occur in Part VI. of the Act, the ordinary definition applies. Not more than two stories may be constructed in the roof of a domestic building, and any story in the roof of a domestic building the floor of which is more than 60 feet above the street level, measured from such level to the upper surface of the floor, must be constructed throughout of fire-resisting materials, as defined in the First Schedule of the Amendment Act of 1905. But presumably the use of ordinary glazing in the windows is permissible, unless the insertion of the clause as to fire-resisting glazing in this new schedule has had the effect of increasing the stringency of the previously existing law. There is no limitation of the number of stories which may be constructed in the roof of a building of the warehouse class, but the limitation of the slope of the roof surface to 47 degrees indirectly affects the number of stories which it is possible to construct in the roof of a building of this class.

- 473 **Chimneys and Flues** are governed as regards their construction by the provisions of section 64 of the 1894 Building Act. The rules of construction are there fully set out in a straightforward manner, and only an outline summary is here given. The figures in brackets represent the sub-sections:—

(1) Chimneys to be built on solid foundations, or on girders having direct

bearings, or on corbelling if their projection does not exceed the thickness of the wall.

- (2) Soot doors 40 sq. ins. in area, and at least 15 ins. distant from any woodwork, to be provided if the flue is at a less angle with the horizontal than 45 deg.
- (3) Chimney arches or bars required in all cases, and chimney bars built in $8\frac{1}{2}$ ins. at the ends required, if the breast projects more than 4 ins., and the jambs are less than $17\frac{1}{2}$ ins. wide.
- (4) Flues to certain trade stoves to be surrounded for a specified height with brickwork $8\frac{1}{2}$ ins. thick.
- (5) Flues for steam boilers or hot air engines not to be less than 20 ft. in height.
- (6) Inside of every flue to be targetted or lined with fire-resisting piping; outside to be rendered when against woodwork.
- (7) Position of flues to be marked on outside of wall likely to be built against.
- (8) Jambs of fireplace opening to be at least $8\frac{1}{2}$ ins. thick.
- (9) Chimney breasts and the brickwork surrounding smoke flues to be at least 4 ins. thick.
- (10) Back of fireplace in party wall to be at least $8\frac{1}{2}$ ins. thick up to a height of 12 ins. above the mantel.
- (11) Brickwork of upper side of every flue to be at least $8\frac{1}{2}$ ins. thick when inclination of flue is less than 45 degs. with the horizontal.
- (12) Chimney stacks to be carried up to a height of at least 3 ft. above the highest point at which they intersect the roof.
- (13) The top six courses of every chimney stack to be built in cement.
- (14) The brickwork of an ordinary chimney stack not to be carried to a greater height than six times its least width, unless the stack is bonded to another stack or is otherwise rendered secure.
- (15) Hearths to be 18 ins. wide and at least 6 ins. longer on either side than the width of the chimney opening.
- (16) Hearths to be laid on brick trimmer arches or other incombustible materials.
- (17) The incombustible materials provided under a hearth to be, together with the hearth, 6 ins. thick, measured from the upper surface of the hearth.
- (18) A flue built in or against a party wall to be surrounded with at least a 4 in. thickness of new brickwork.
- (19) A chimney breast or shaft not to be cut away unless the district surveyor certifies that it can be done without injuriously affecting the stability of any building.
- (20) Rules as to cutting into a chimney shaft, jamb, breast, or flue.
- (21) Rules as to timber or woodwork near chimney breasts and flues.
- (22) Rules as to wooden plugs and iron holdfasts near chimney breasts and flues.

The detailed requirements of this section, as given in the Act itself, should be carefully studied by all draughtsmen who have to prepare ordinary constructional drawings for London work.

143 **Furnace Chimney Shafts**, which are governed by the provisions of
section 65 of the 1894 Act, are dealt with in Chapter 10.

475 **Construction of Certain Floors.** The floor under, and for a space of
18 ins. around, every oven, copper, steam boiler or stove not heated by gas must
be formed of materials of an incombustible and non-conducting nature at least
6 ins. thick, in compliance with the requirements of section 66. It is provided
476 in section 67 that the floor over any room or enclosed space in which a furnace
is fixed, and any floor within 18 ins. from the crown of an oven, must be
constructed of fire-resisting materials.

475 **Rules for Pipes.** A pipe for conveying smoke or other products of
combustion, heated air, steam, or hot water, is required, by section 66, not to
be fixed against any building on the face adjoining a street or public way.

The following rules apply with regard to the position of pipes in proximity
to combustible materials (pipes conveying hot water or steam at low pressure,
i.e., when a free blow-off is provided, are not bound by such rules):—

- (1) A pipe conveying smoke not to be fixed nearer than 9 ins. to
combustible materials.
- (2) A pipe conveying heated air or steam not to be fixed nearer than
6 ins. to combustible materials.
- (3) A pipe conveying hot water not to be fixed nearer than 3 ins. to
combustible materials.

These rules do not appear to be on a very logical basis, for, low pressure
hot water pipes being excluded on account of their having a "free blow-off,"
pipes in a hot water high pressure system, where the temperature is from
300° to 400° Fahr., may go as near as 3 ins. to combustible materials, while
pipes in an ordinary steam heating system, where the temperature is well
below 250° Fahr. may not be placed nearer than 6 ins. to such materials.

474 The requirement dealing with pipes for conveying smoke appears
to modify the provisions of section 64 (9), which might otherwise be construed
to mean that every flue for conveying smoke must be a brick-enclosed flue. It
seems clear, however, from section 66 that the Act admits of the use of pipes
for conveying smoke, an arrangement which is often desirable where a close
stove is provided, or in a case where, for some reason, smoke is desired to
be carried from a low chimney stack to a neighbouring stack at a higher
level.

477 **Party Arches over Public Ways.** Section 71 of the 1894 Building
Act requires that "every party arch or party floor, and every arch or floor
over any public way, or any passage leading through or under a building or part
of a building to premises in other occupation" must be formed of brick, stone, or
other incombustible materials. If an arch of brick or stone is used it must be
at least $8\frac{1}{2}$ ins. thick, and must have a rise of at least 1 in. for every foot or
fraction of a foot of span. If an arch or floor of other incombustible material
be used it must be constructed to the satisfaction of the district surveyor.

As this section stands with its introductory marginal note, "rules as to
party arches over public ways," it appears of comparatively limited application,
as having reference to the not very numerous class of buildings extending
over entrances to courts and passage-ways. But I believe that some district

surveyors, on the strength of the inclusion of the words "party floor," have administered this section 71 as if it applied to all floors which are covered by the definition of party structure in section 5 (20), and have required these floors, separating merely different occupations, to be constructed of incombustible material or pugged with concrete, if situated in buildings used for trade purposes. But, apparently, no such requirements as to construction are generally made with regard to floors separating maisonettes approached by separate entrances from without, although, if the Act is to be read in the manner indicated, these floors would surely come within the scope of the section. It seems very doubtful, however, whether the section can be considered to refer to floors separating different occupations. It is incidentally to be noted that the special fee payable to the district surveyor in respect of work coming under section 71 and the following section is stated in the Third Schedule of the Act to be "for inspecting the arches or fire-resisting floors over or under public ways." As previously stated in this chapter, it seems probable that the provision as to construction of party floors was inserted in order to cover the case of the reconstruction of a building extending slightly over an adjoining building. If an owner is faced with any requirement as to the construction of a floor situated merely between two occupations, he will certainly be well advised before carrying out any such work to obtain legal opinion as to his position with regard to such requirement.

Arches under Public Ways. Section 72 of the 1894 Act provides that "every arch or other construction under any passage leading to premises in other occupation, or under any public way or intended public way" must be constructed of brick, stone, or other incombustible materials. If an arch of brick or stone be used the thickness must be in accordance with the following rules:—

- (1) If span does not exceed 10 ft., required thickness at least $8\frac{1}{2}$ ins.
- (2) If span exceeds 10 ft., but does not exceed 15 ft., required thickness at least 13 ins.
- (3) If span exceeds 15 ft., such thickness as may be approved by the district surveyor.

If an arch or other construction of incombustible material other than brick or stone be used, it must be constructed to the satisfaction of the district surveyor. It would appear from several cases, which have been successfully contested by district surveyors, as to their right to demand a building notice in respect of boxes constructed under the street in connection with the supply of electric current, that such boxes must be constructed in accordance with this section.

Construction of Projections. Section 73 of the 1894 Building Act, in addition to regulating the amount by which projections may extend beyond the face of the building of which they form part, also regulates the construction of projections. It appears from the decided cases quoted in Chapter 6 that the provisions of the section refer only to projections forming a part of a building, but notice should be given to the district surveyor in respect of any work involved in the attaching of a projection to a building. The Council have power to consent to any deviation from the requirements of section 73.

477 **Projections to be Fireproof.** Sub-section 1 of the section requires that a certain list of projections, together with every architectural projection and decoration whatsoever, and the eaves, barge-boards, and cornices to overhanging roofs (with certain exceptions), are to be of brick, tile, stone, artificial stone, slate, cement, or other "fireproof" material. The exceptions are (1) the cornices and dressings to the window fronts of shops, and (2) the eaves, barge-boards, and cornices to detached and semi-detached dwelling-houses, and to other dwelling-houses in which the party walls are corbelled out so as to project 4 ins. beyond such eaves, barge-boards or cornices. For the purpose of this sub-section a pair of semi-detached houses are deemed to be one building.

The list of projections which are required to be fireproof is of interest from two points of view. It is directly of interest in specifying the exact projections which, when read together with the words including "any architectural projection or decoration whatsoever," and the remainder of the sub-section, illustrate the extent of the application of such sub-section. It is also indirectly of interest in illustrating the forms of structures to which the provisions of Part VI. are applicable, for the fact that a class of projections is dealt with in a section which comes within Part VI. can surely be taken as evidence of the applicability of the provision of that Part to such a class. In order that there may not be any misunderstanding of the principal point at issue, it may be said that under Part VII. of the Act the Council's consent is
481 required to the erection of "an iron building or structure, or any other building or structure to which the general provisions of Part VI. of this Act are inapplicable or in the opinion of the Council inappropriate." Thus the list in section 73 (1) of the projections to which the general provisions of Part VI. may be considered to be applicable is of considerable importance.

The term "fireproof" is not defined anywhere in the Building Acts. It is the word which occurred throughout the Metropolitan Building Act, 1855, but which in all but this one instance was changed, in provisions which were re-enacted, into the word "fire-resisting." For all practical purposes in considering the application of section 73 the word fire-resisting may be read instead of the word fireproof. It is noteworthy that the First Schedule of the
569 1905 Amendment Act impliedly permits the use of hard wood in the construction of many of the projections referred to in section 73 (1).

The Construction of Bay Windows. It may be noted that bay windows are not specifically included in the list of projections required to be of fireproof construction. Mr. Bernard Dicksee, in his book on the London Building Acts, comments on this point in a note to section 73 (5). He states that projecting bay windows are not required to be constructed with piers of
471 brick or stone, and refers as the basis of this contention to sections 55 and 73 (1). The Council, however, apparently take the view that their consent is required in respect of bay windows constructed of timber, even although a brick base be provided. Consent is usually given, but the timber is sometimes required to be of hard wood. It seems difficult to ascertain, on general grounds, the requirements of the Act in regard to this matter. The question of whether the Council's consent must be obtained under section 55 apparently depends very much on the character of the detailed construction adopted.

Balconies and Cornices. Sub-section 2 provides that every balcony, 477
cornice, or other projection is to be tailed into the wall of the building and
weighted or tied down to the satisfaction of the district surveyor. No cornice
is to exceed 2 ft. 6 ins. in projection over the public way, except with the
consent of the Council, which would hardly be refused if the cornice were
required for reasons of architectural effect.

Woodwork of Shop Fronts. Sub-section 4 provides that no part of
the woodwork of any shop-front is to be fixed higher than 25 ft. above the
level of the public footway in front of the shop. No part of the woodwork of
any shop front is to be fixed nearer than 4 ins. to the centre of the party wall
if such exists, or nearer than 4 ins. to the face of the wall of the adjoining
premises if such have a separate wall. The variant of the requirement in the
sub-section, which at first sight appears to admit of a different arrangement from
that specified, is absurd. It provides that the ordinary requirement need not
be adhered to, if a pier or corbel 4 ins. wide is placed between the centre of
the party wall, or (presumably) the face of the separate wall, and the woodwork
of the shop front—an arrangement which fulfils such requirement.

Drainage of Water from Roofs and Flats. Sub-section 7 requires 478
that the roof, flat, or gutter of every building, and every balcony, verandah,
shop-front, or other similar projection, or projecting windows, shall be so
arranged and constructed and so supplied with gutters and pipes as to prevent
the water dropping upon or running over the public way. On the strength of
the words, "or projecting windows," I believe some district surveyors
require the projecting heads of windows to be provided with gutters and rain-
water pipes, but this seems to be extending the requirements beyond their
legitimate scope. The provisions of section 73 with regard to projections in
front of the building line have been dealt with in Chapter 6.

The Construction of Habitable Rooms, and the special provisions 77
applying to habitable rooms over stables, have been dealt with in Chapter 5. 54

Several Miscellaneous Provisions of considerable importance which
affect the alteration, reconstruction, and conversion of existing buildings are
found at the end of the 1894 Building Act. Section 207 provides that it is 514
not lawful, "unless with the consent of the Council," to make any alteration 626
of a building in such a manner that, when altered, the building "by reason of
such alteration"—note the importance of this expression—will not be in
conformity with the provisions of the Act applicable to new buildings. The
provisions of this section are generally considered to admit of the Council
consenting to any deviation from the provisions of the Act in the case of
an alteration to an existing building, whereas, in the case of the erection of a
new building, the Council may consent to deviations only as regards those
sections of the Act in which specific powers of consent are given. This is a
distinction of some importance, and where alterations are proposed, it should
always be remembered that anything can be done if the Council's consent is
first obtained.

Maintenance of Historic Buildings. It is provided in section 191, 507
that, in the event of any portion of an old building of architectural or historic
interest being taken down or destroyed, such portion may, with the consent of

the Council, be restored in the same material on the lines of the original design.

- 514 **Re-erection of Existing Walls.** It is provided by section 208 of the 1894 Building Act that "unless in any case the Council otherwise allow" where a party wall or external wall not in conformity with the Act is taken down, burnt, or destroyed to the extent of one-half of its superficial area, the whole wall must be made to conform to the Act. In the case of *Crow v. Redhouse* (1895, 59 J. P. 663), where, although a building had been taken down for more than half its cubical extent, the party wall had not been taken down to half its superficial extent, it was held that section 208 did not apply to the case, and that the party wall need not be made to conform to the provisions of the Act.

- 514 **The Conversion of Buildings** is dealt with in section 211 of the 1894 Building Act. This section contains a list of six instances in which buildings of certain kinds may not, "unless in any case the Council otherwise allow," be converted to buildings of other specified classes, and includes further, in sub-section 4, a general prohibition of the conversion, without consent, of any building which when originally erected was exempt from any building enactments or by-laws in force in London, into a building which, had it been originally erected in its converted form, would have come within the operation of such building enactments or by-laws. This of course covers the case of the conversion of either a domestic, warehouse, or public building into one of another class, and ensures that the special requirement of increased wall thickness, stronger construction, open space at rear, etc., applying to the class to which the building may be converted, are complied with, unless, as may not infrequently happen, an application is made, and the Council permit the proposed conversion without enforcing the whole of the requirements of the Act.

- 574 **Water Supply.** The charges for water throughout London are specified in the Metropolitan Water Board (Charges) Act, 1907. It is there provided that the amount to be paid for the use of water for building operations is, 576 at the option of the Board, either to be regulated by the quantity of water used, or to be at a uniform rate of not exceeding seven shillings for every £100 expended in the erection of the building, after a reasonable allowance for work not requiring the use of water has been made. In laying on the permanent water supply for the building, the regulations of the Board must 673 be observed.

CHAPTER 10

BUILDINGS AND STRUCTURES OF SPECIAL CHARACTER

IN addition to the general constructional provisions referred to in Chapter 9, there are numerous requirements affecting the erection of various classes of special buildings and structures. These will form the subject of the present chapter, with the exception that the provisions of the London County Council (General Powers) Act, 1909, having reference to the construction of steel frame and reinforced concrete buildings, are considered to be of sufficient importance to justify separate treatment. These are dealt with in Chapter 11. The present chapter should be read in connection with Chapter 9, for, except in the case of public buildings, the provisions herein referred to are additional to most of the ordinary constructional requirements dealt with in Chapter 9.

Every Building Used in Part for Trade or Manufacture and in part as a dwelling-house is required, if over 1,000 sq. ft. in area, to have the part used for trade or manufacture separated from the part used as a dwelling-house by walls and floors of fire-resisting materials, in accordance with the provisions of section 74 (2) of the London Building Act, 1894. All passages, staircases, and other means of approach to the part used as a dwelling-house must be constructed of fire-resisting materials. Doorways may, however, be constructed in the walls of such staircases and passages, provided such openings are fitted with fire-resisting doors. For a full statement of the materials considered fire-resisting, reference must be made to the First Schedule of the 1905 Amendment Act, which replaces the repealed Second Schedule of the 1894 Act. It was held in *Carritt v. Godson and Son* [(1899) 2 Q. B. 193] that a public-house did not come within the scope of section 74. This appears a fairly conclusive decision, although in a subsequent case, *Dicksee v. Hoskins* [(1901) 2 K. B. 660], the Court of Appeal held that the premises in question, which were used as a beer-house, came within the provisions of the section. But the Court in this case were bound by the finding of fact by the magistrate, and the judges expressly stated that they did not agree with his decision.

Every Building Exceeding 2,500 Sq. Ft. in area which contains separate sets of "chambers or offices or rooms tenanted or constructed or adapted to be tenanted by different persons" is required by section 74 (3) of the 1894 Building Act to have its floors and principal staircases of fire-resisting materials. It is specially laid down in the section that the district surveyor is not to charge for the inspection of each set of chambers as a separate building.

Every Building Exceeding 125,000 Cub. Ft. in extent which is constructed or adapted to be used as a dwelling-house for separate families,

and every public building, no matter what its extent, must have the floors of the lobbies, corridors, passages, and landings, and also the flights of stairs, of fire-resisting material, carried on supports of fire-resisting material, in accordance with the provisions of section 68 of the 1894 Act.

Cubical Extent.

Provisions of the greatest importance as concerning large commercial buildings are contained in sections 17, 18, and 19 of the General Powers Act of 1908. These are in substitution for the repealed provisions of sections 75, 76, and 77 of the 1894 Building Act. It is provided that, except with the consent of the Council, no building of the warehouse class, and no building or part of a building used for any trade or manufacture, may extend to more than 250,000 cub. ft. without being divided by "division walls" in such a manner that no division exceeds the limit of 250,000 cub. ft. Section 19 provides that the provisions of the 1894 Act with regard to party walls are to extend and apply to division walls, but the Council are empowered in the case of a division wall to consent to any departure from the party wall provisions contained in Part VI., and the First Schedule of, the 1894 Act, as they may think fit. The expression **cubical extent** is defined in the 1894 Act as being the space contained within the external surfaces of the walls and roof of a building and the upper surface of the lowest floor. The cubical extent provisions of the 1908 General Powers Act are much more extensive in their scope than the repealed provisions of the 1894 Act, which had reference only to buildings of the warehouse class. The expression "building used for any trade or manufacture," which appears in the 1908 Act, must clearly be allowed a very wide interpretation.

Exemption of Special Buildings. The cubical extent provisions are expressly stated not to apply to any one-story building situated more than two miles from St. Paul's Cathedral, and constructed of incombustible material throughout, which is used "wholly for the manufacture of the machinery and boilers of steam vessels, or for a retort-house, or for the manufacture of gas, or for generating electricity." Such a building is to be considered a special building to which the general provisions of Part VI. of the 1894 Building Act are inapplicable, and it therefore comes under the provisions of Part VII. of that Act, as a special building. A building used as a generating station or works by a body having statutory powers for the supply of electricity must comply with the provisions of section 203 of the 1894 Building Act.

Additional Cubical Extent. Under the repealed section 76 of the 1894 Act the Council's power to allow additional cubical extent was limited in several directions, but under the 1908 Act the Council have absolute discretion, after considering the reports of the superintending architect and the chief officer of the fire brigade, to allow any cubical extent considered desirable. Also the Council may consent to a building being wholly or in part divided horizontally by floors, instead of being vertically divided by division walls. Such division floors must be constructed to the satisfaction of the Council. The Council may be expected to exercise to some considerable extent their

powers of allowing additional cubical extent, for it is well known that Part III. of the 1908 General Powers Act was specially inserted in the Act in order that the Council might have a free hand in dealing with questions of additional cubical extent, and in allowing buildings to be constructed with large floor areas where such are necessary for the purposes of trade or manufacture. But whether the Council will often exercise their powers of accepting horizontal in lieu of vertical separation is more questionable.

In considering an application for additional cubical extent, the Council are likely to be very considerably influenced in their decision by the position of the building in relation to adjoining buildings, by the character of its construction,—fire-resisting construction throughout being highly desirable—by the character of the trade or manufacture, and by the proposed methods of preventing a serious outbreak of fire, such as the installation of automatic “sprinklers,” where there are inflammable goods. The manner in which the position of a building has an influence in determining the cubical extent to which the building may reasonably be allowed to extend demands perhaps a little explanation. From the purely fire-preventive point of view, buildings of large cubical extent are distinctly undesirable; although apparently none of our provincial towns, except Glasgow, have cubical extent provisions similar to those which apply in London. The great fires in the United States, where also in most towns there is practically no restriction of cubical extent, have often originated in some very large building not sub-divided in any way. In such a building it has been possible for a fire in the night time to assume very extensive proportions, and then, by precipitating itself on all surrounding buildings, at once create an alarming conflagration. The great Baltimore fire in 1904 originated in this manner in a building having a cubical extent of about a million cub. ft. However, for trade purposes, buildings larger than the ordinary 250,000 cub. ft. limit are often required. When buildings of this kind are erected, not only should all possible measures be taken in their construction and maintenance to obviate the danger of fire, but also it is desirable that their position should be such that, even if a fire does occur, it will not be likely to spread rapidly to other buildings.

Experience has shown that the best possible preventative to the spread of fire is a brick party wall properly carried up above the roof. Thus, where a building abuts on one or more streets of ordinary width, has a fair length of street frontage as compared with the area of its site, and is entirely separated from adjoining buildings by party walls, its position is quite satisfactory and only surpassed by the extremely exceptional case of a building on an “island site” surrounded by wide streets. Where, however, a building abuts upon a narrow street, or where a building has windows opening on to an internal court or passage way in very close proximity to openings in the walls of adjoining buildings, circumstances are less favourable, although much may be done to minimise the possible spread of fire from such a building, by fitting all openings with fire-resisting glazing, or fire-resisting shutters, or “drenchers” for the discharge of water. In a case where a building might be proposed to be erected in such a position with the view of being utilised for the manufacture or storage of inflammable goods, the Council could hardly be accused of

unreasonableness if they refused to sanction a cubical extent much in excess of the limit of 250,000 cub. ft.

Applications for Additional Cubical Extent. Any person who proposes to apply to the Council for permission to erect or alter a building used for trade or manufacture, in such a manner that the ordinary limit of 250,000 cub. ft. is exceeded, should pay careful attention to the special
631 regulations issued by the Council with regard to such applications. Buildings are considered in these regulations as being of four classes : (a) buildings, not exceeding one story, that are used for various manufacturing processes in metal work ; (b) buildings, exceeding one story, used for the use, manufacture, or storage of non-inflammable goods ; (c) buildings, exceeding one story, containing inflammable goods or materials ; (d) motor garages and car-sheds, not exceeding 3 stories in height. In all instances the buildings are assumed to be in one occupation ; the regulations state that no application for additional cubical extent will be entertained in respect of buildings which are in more than one occupation.

As regards buildings of class (a), the standard requirements are not particularly onerous. But in the case of buildings in classes (b), (c), and (d), the requirements are much more extensive, and those to the effect that no building in class (b) or (c) may be within 40 ft. of another building, except where separated from it by a party wall, that fire-resisting glazing is to be provided to practically all openings in the external walls of such buildings, and that the basement in a building of class (c) is to be entirely "cut off" from the ground floor, are exceptionally stringent. It would appear, however, from the manner in which the regulations are drawn up, that every application for additional cubical extent is intended to be judged not by the exact letter of the regulations, but upon its merits, under the general guidance of the regulations.

The Formation of Openings in party or division walls has been dealt
120 with in Chapter 9. Although the rules as regards the size and closing of openings have their chief practical application to openings in the division walls of buildings affected by the limitation of the cubical extent provisions, yet, as these rules apply to openings made in walls between any buildings which taken together extend to more than 250,000 cub. ft., it was thought well to deal with them in Chapter 9, as forming part of the general constructional requirements.

Public Buildings.

111 Reference having been made in Chapter 9 both to the definition of "public
106 building" and to the increased fees payable on such a building, and the required fire-resisting construction of the staircases and corridor floors having
132 been mentioned in the present chapter, attention may now be drawn to the provisions of the two highly important sections of the 1894 Building Act
480 which control the general construction of public buildings. Section 78 provides that "notwithstanding anything in this Act, every public building including the walls, roofs, floors, galleries, and staircases, and every structure

and work constructed or done in connection with or for the purposes of the same, shall be constructed in such manner as may be approved by the district surveyor, or in the event of disagreement may be determined by the Tribunal of Appeal." The section then goes on to state that "save so far as respects the rules of construction," every public building is to be deemed to be included in the term "building," and is to be subject to the general provisions of the Act. No public building is to be used as such until the district surveyor or, in the event of disagreement, the Tribunal of Appeal shall have approved of its construction. The by-laws made under the Metropolis Management and Building Acts Amendment Act, 1878, provide that plans and sections of a public building are to be deposited with the district surveyor prior to the commencement of the erection of the building. 724

Practical Construction. It is seen that, as regards public buildings, there is no schedule of wall thicknesses, no detailed constructional provisions—all is left to the discretion of the district surveyor, subject to there being a right of appeal to the Tribunal. The district surveyors, as a matter of practice, I believe, usually take the schedule of wall thicknesses of buildings of the warehouse class as a basis for their requirements with regard to the construction of the walls; and some persons appear to be under the impression that the district surveyor may require more, but may not allow less, than the wall thicknesses given in this schedule. But unless the building in question is a licensed place of public entertainment, and consequently comes within the scope of the regulations made by the Council under the Metropolis Management and Building Acts Amendment Act, 1878, and is thus specifically subject to the warehouse schedule of wall thicknesses, this schedule, however useful as a basis upon which to work, has no statutory applicability whatever to the walls of such a building. Subject to the right of appeal, the section gives the district surveyor full discretion as to the form of construction to be adopted. 518 633 635

The fact that the district surveyor is required to deal with the construction of a public building in a manner wholly apart from the existence of the general requirements of the Act, is exemplified in a very old case contested under the Metropolitan Building Act, 1855, which contained a section very similar in effect to section 78 of the present Act. In *Reg. v. Carruthers* (1864, 9 L. T. 825), where the district surveyor had required a builder erecting a public building to comply with certain rules of construction of the 1855 Building Act, and a magistrate had made an order requiring the builder to comply with such requisitions of the district surveyor, it was held by the High Court that the order was bad, as the construction of the building in question was not controlled by the ordinary provisions of the Act, but was left to the discretion of the district surveyor.

As there is the right of appeal to the Tribunal, it may be asked under what circumstances is it likely to be desirable to exercise the right of appeal. Generally speaking, the district surveyors will not often be found to require more substantial construction than would be thought necessary by a careful architect. A daily contact with the makeshifts of the jerry builder tends towards an appreciation of ordinary sound construction, and does not foster impracticable views. Of course it may occasionally happen that the district

surveyor is carried away by official zeal, and his balance prejudicially affected by an abnormally-developed bump of caution. In such an event, where the constructional requirements go beyond all reasonableness, the right of appeal to the Tribunal will be most valuable; and there the appellant may be sure his case will receive the fullest consideration by men who are of high professional standing, and are themselves engaged in the control and direction of practical building work.

480 **The Conversion or Alteration** of any building into a public building is governed by section 79, where it is stated that the provisions of the Act are to apply to such alteration or conversion as though it were the construction of a public building. Section 78 also provides that where the district surveyor has declared his approval of the construction of a public building, or has certified that it has been constructed as directed by the Tribunal, no work affecting, or likely to affect, the building may be executed without the district surveyor's approval, or his certificate as to its being in accordance with the requirements of the Tribunal.

194 **The Rules as to Staircases** in churches, chapels, public halls and other places of public assembly, as given in section 80 of the 1894 Building Act, will be referred to in Chapter 14, which deals with the question of means of escape in case of fire, these being distinctly "escape" in contradistinction to constructional requirements.

Places of Public Resort.

399 The County Council, under section 12 of the Metropolis Management and
633 Building Acts (Amendment Act), 1878, have made regulations very far-reaching in character, governing the construction of theatres, and of houses, rooms, or other places of public resort, licensed for the performance of stage plays, or for music and dancing. Such regulations are supplemental to the provisions of the 1894 Building Act. An important point to be noticed with regard to these regulations is that they are not absolutely binding in their effect, for the Council
643 have the power to modify or dispense with them in whatever manner they may desire. The general requirements apply not only to theatres and music halls, but to such buildings as public halls, assembly rooms, meeting rooms, and public baths, which are usually required to be licensed.

The regulations, dealing as they do with buildings whose construction and arrangement are often quite outside ordinary practice, are of a very detailed character. Although an attempt will be made to give the main outlines of the various requirements, it cannot be too strongly emphasised that it is simply the outlines which are here dealt with: for the full details of the requirements reference must be made to the regulations themselves.

400 It has been mentioned that the regulations apply to buildings which are licensed. The procedure laid down in the 1878 Act is that any person desiring to erect such a building must first apply to the licensing authority for a provisional licence, the grant of which is subject to the same conditions as an ordinary licence. Such provisional licence is not of any force until it has been confirmed by the licensing authority, but this authority, if no objection is

made to the character of the holder of the provisional licence, is to confirm the licence upon the production of a certificate from the Council to the effect that the construction has been completed in accordance with the regulations.

By the Local Government Act, 1888, the Council were made the licensing authority, in the place of the justices, for new theatres and other such places of public resort in the county of London not within the jurisdiction of the Lord Chamberlain, who is the licensing authority for premises in which stage plays are produced, within certain areas mentioned in the Theatres Act, 1843.

Public Notice must be given by any person proposing to erect a licensed place of public entertainment, by putting a notice board on the site, and by inserting an advertisement in three newspapers circulating in the district, or in three separate issues of the same paper, copies of which must be forwarded to the Clerk of the Council.

Plans and Particulars, together with a specification of the works to be executed, must then be submitted to the Council. The plans are to be in duplicate, to a scale of 8 ft. to 1 in., with a block plan showing the position of the building to a smaller scale. The plans must be complete, with elevations and sections, and must show the whole constructional arrangements, together with the sanitary accommodation and drainage. The area assigned to each person and the number of persons to be accommodated in the various parts of the premises must be shown, and the character of the proposed entertainment must be stated.

Site Requirements. At least one-half of the total length of the boundaries of the site of the building—the question whether the whole or only a part of the building is to be used for public entertainment being apparently immaterial—must abut upon or front to public thoroughfares, of which one must be at least 40 ft. wide and the remainder at least 30 ft. wide, if carriageways, and 20 ft. wide if footways. These widths must continue throughout until any thoroughfare in question joins a neighbouring thoroughfare. The frontage of the site to the 40 ft. thoroughfare must not be less than one-sixth the total length of the boundaries of the site. It is evident that the sites which will comply with these requirements will, in the majority of cases, be corner sites, although where parallel streets are very close together it may be possible for a building site having a wide frontage to both streets to be in accordance with the regulations. For the convenient planning of escape exits it is of course desirable that a considerable proportion of the building should immediately abut upon streets, but a distance of one-half the length of the total boundaries seems rather excessive when it is realised that by the construction of brick-enclosed corridors with all openings for light fitted with fire-resisting glazing, it is possible to provide satisfactory means of egress without consideration of the character of the surroundings. It is admitted that the greater the frontage of a building, the easier will be the task of the fire brigade in extinguishing the flames. But the question of the escape of the occupants is here the vital point. This is quite a different matter from that of fire extinction, which in the case of a licensed place of public resort is surely not so difficult as in the case of a warehouse filled from basement to roof with inflammable goods.

No premises in which a stage is to be erected and in which scenery will be used are to be constructed underneath, or on the top of, any part of any other building, nor may such premises contain living rooms.

635 **The Walls** of all premises affected by the regulations are to be of the
518 thickness prescribed for walls of similar height and length of buildings of the
warehouse class (the requirements as to increased thickness where the height
520 of the story exceeds fourteen times the thickness of the wall being, however,
expressly excluded), or of such greater thickness as may be required by the
480 district surveyor, or, in the event of appeal, by the Tribunal. Where the
premises in question are a part only of a building they are to be cut off from
635 the other part of the building by party walls and party structures of fire-
resisting materials in a manner to be approved by the Council, and no part of
the premises is to "overlook"—presumably to have openings in the walls
next—any portion of the adjoining part which may be liable to communicate
fire to such premises.

No opening may be formed in the walls or roof of premises of the class referred to, within 20 ft. of any adjoining property, unless a brick wall of the thickness prescribed by the 1894 Building Act is erected between such premises and the adjoining property and carried up so that no part of any opening on either side is higher than the part of the wall immediately opposite. A similar wall is required to be erected between any openings in the premises and any inflammable erection or material on any adjoining property. No limit of distance is here specified.

635 **General Construction.** The floors, tiers, and roof of the auditorium, and all parts used by the public, must be constructed of fire-resisting materials to the satisfaction of the Council, and the flooring, if of wood and not laid on a solid foundation, must be laid with iron tongues. All woodwork of the stage must be rendered non-inflammable or be of hard wood. The Council may at their discretion require all constructional ironwork to be embedded in fire-resisting materials.

636 **General Arrangements.** Not more than two tiers, including the gallery, are allowed above the level of the pit; the slope of tiers is limited to 35 degrees; the minimum heights are as follows:—

- (1) From floor of pit to first tier—10 ft.
- (2) From floor of gallery to ceiling over—12 ft.
- (3) Height between tiers—8 ft.

The flooring of the highest part of the pit, or of the stalls where there is no pit, must not exceed 6 ins. above the level of the street at the principal entrance to the pit, and the lowest part of the floor of the pit or stalls must not exceed 15 ft. below the level of the street at the principal entrance to the pit, nor be lower than the level at which it may effectually be drained by gravitation into a public sewer.

638 The seating accommodation for each person must not be less than—

- (1) Where no back or arms are provided to the seats: 2 ft. deep and 1 ft. 6 ins. wide.
- (2) Where backs and arms are provided: 2 ft. 4 ins. deep and 1 ft. 8 ins. wide.

In all cases the horizontal distance between the front of one seat and a perpendicular line drawn from the back of the next must not be less than 1 ft.

Where chairs are used they must be battened together in lengths of not less than four or more than twelve in a section, at distances not less than—

(1) Where they are without arms : 1 ft. 6 ins.

(2) Where they have arms : 1 ft. 8 ins.

Where a stage with a proscenium is to be erected, the stage must be separated from the auditorium by a brick proscenium wall, at least 13 ins. thick, carried up at the top at least 3 ft. above the level of the roof, measured at right angles to the slope of the roof, and carried down at the bottom to a solid foundation. 638

In addition to the proscenium opening, not more than three openings may be made in the proscenium wall. None of these further openings may exceed 20 sq. ft. in area, nor have their sills higher than 3 ft. above the stage floor, and any such opening must be fitted with a springless, self-closing wrought iron or other approved fire-resisting door having a 3 in. lap. The proscenium opening must be provided with the usual fire-resisting drop curtain. This "curtain" or screen must be of approved pattern, with an arrangement for pouring water on the surface next the stage, and the space above the stage must be of sufficient height to admit of the fire-resisting screen, and all scenery, being raised above the top of the proscenium opening in one piece without rolling. The roof over the stage must not be of fire-resisting material or heavy construction, and must be provided with a glazed opening at the back equal to at least one-tenth the area of the stage. This opening must be glazed at the top and sides with thin sheet glass, and must be arranged to open automatically with the lowering of the drop curtain or the cutting or burning of a cord. 639

The object of a light roof is that a fire may not be forced to seek a lateral outlet, but that it may ascend vertically and tend to burn itself out, the glazed opening in the roof being provided for the purpose of assisting in this action. The desirableness of such arrangement, which has long been realised in theatre construction, is now beginning to receive recognition in the case of trade buildings, but for many years it was customary in such buildings, where flat roofs were used, to make the whole structure, including the staircase roofs, of solid fire-resisting construction. It seems, however, much better that the fire should be allowed to ascend vertically than that it should be forced to seek lateral outlets, or that it should be boxed in entirely, with the result that there is a risk of explosion due to the confining of the gases given off during the process of combustion.

In addition to the above-quoted requirements affecting the general planning and arrangements of a building of the class under consideration, there are others having reference to the arrangement of dressing-rooms, workshops, stores and machinery rooms, and the proper separation of such portions from each other and from the rest of the building by means of party walls. For the details of these, and the requirements as to lighting and ventilation, fire prevention and extinction, etc., the construction and arrangement of proper 640 641

642 water-closet accommodation, which latter must be to the satisfaction of the
 sanitary authority, reference must be made to the text of the regulations
 themselves. It should be noted that no work in connection with the provision
 643 of electric light, or the installation of the heating apparatus, is to be com-
 menced until the Council's approval has been obtained. Every theatre, and
 any other premises when required by the Council, must be connected with the
 642 nearest Fire Brigade Station by telephone alarm.

Means of Escape Requirements. Those portions of the regulations
 which deal with the provision of exits, and the width, construction, and
 arrangement of exit doorways, staircases, corridors and gangways, are so
 closely associated with the constructional requirements that it has been
 thought desirable to deal with them in the present chapter, rather than in
 that devoted especially to the question of means of escape in case of fire.

636 *Exits.* Two separate exits must be provided from every tier or floor, and
 if the accommodation exceeds that for 500 persons, an additional exit must be
 provided for every additional 250 or part of 250 persons. Except in the case of
 floors or tiers not accommodating more than 300 persons where a width of
 4 ft. will suffice, the exits are to be not less than 5 ft. wide between walls,
 and between the leaves of the doors when open, and in all cases two exits
 from each tier or floor must deliver into different thoroughfares or ways. If
 a private way is constructed to comply with this requirement it must not be
 less than 10 ft. wide, and if less than 20 ft. wide no openings in the walls of
 the adjoining premises are to communicate with or overlook such way. These
 635 requirements as to private ways are found in No. 2 of the regulations. If a
 tier or floor is divided into two parts, separate exits as mentioned above must
 be provided from each part. In calculating the number of persons which can
 be accommodated in any tier, the standing space, exclusive of that afforded
 by the intersecting gangways, is to be considered as well as the seating
 accommodation. All exit doors must of course open outwards, and, except doors
 637 used also as entrance doors, must have no fastenings other than automatic
 bolts. Doors must be boldly lettered "Exit" or "No exit," as the case may be.

636 *Corridors and Vestibules.* Every lobby, corridor, or passage intended for
 the use of the audience must be formed of fire-resisting materials, and must
 in no place be less than the widths specified for exits, and must have no
 recesses in or projections from the walls within 5 ft. of the floor. Inclines
 are to be used where possible instead of steps, but no incline is to be steeper
 than 1 in 10. Where vestibules are provided, not more than three tiers or
 floors, or parts of tiers or floors, are to communicate with one vestibule. The
 aggregate width of all the exit doorways or passages leading from the vestibule
 must be at least one-third greater than the required aggregate width of all
 the exits leading to such vestibule.

637 *Staircases and Gangways.* All staircases are to have solid square (not
 spandril) steps and landings of stone or other approved fire-resisting materials
 pinned into brick walls at each end and enclosed and supported to the satisfac-
 tion of the Council. The width and general arrangement must be as follows:—

Staircases from any tier or portion of a tier accommodating not
 more than 300 persons 4ft. wide.

Staircases from any tier or portion of a tier accommodating more than 300 persons 5ft. wide.

Treads not less than 11 ins. wide.

Risers not more than 6 ins. high (lapping at least 1in. over the back edge of the step below).

The flights not to exceed 15 steps, or to have less than 3 steps.

Not more than two flights of stairs may be constructed without a turn. No winders are allowed. Continuous handrails not projecting more than 3 ins. are required on both sides of staircases and landings, and the inner handrail must be chased into the ends of the newel wall at the returns, so that the clear width of the landing is not diminished. There must be no recesses or projections in the walls within 5 ft. of the floor. Landings must be at least 6 ins. thick. Staircases are to be roofed with fire-resisting materials. Gangways are not to be less than 3 ft. 6 ins. in width, and are to intersect the rows of seating in such a manner that no seat measured in the line of the seating is more than 10 ft. from a gangway.

Rules of Section 80 of the 1894 Building Act. A comparison of these rules with those of section 80 of the 1894 Building Act will show that under the section a somewhat increased width of staircase is specified in certain cases, according to the accommodation provided. Presumably, in buildings coming within the scope of the section, this increased width may be required by the district surveyor, although the Council may have approved plans showing staircases of a lesser width. 480

Structural Additions or Alterations may not be made to any premises of this class unless the consent of the Council has been first obtained. Plans must be submitted to the Council as in the case of the erection of a new building of this character. 643

The foregoing are the outlines—but nothing more than the outlines—of the comprehensive regulations affecting the construction of theatres, music-halls, and other places of public entertainment. I have quoted the main provisions with a view of giving these a certain emphasis. Persons directly interested in this class of work will naturally devote careful study to the regulations themselves, but at the outset it is difficult to get a good grasp of them, and thus the above outlined description of the principal points may be useful. It may again be desirable to emphasise the fact that the Council are able to allow any deviations from such requirements as they may think fit. Thus, if in practice any of the regulations appear to operate unfavourably in the particular circumstances of the case, it may be possible to obtain consent to methods of arrangement or construction which are not in exact accordance with the regulations. 643

Lighting of Theatres, etc. In addition to the regulations as to general construction and the provision of means of escape, there are detailed regulations issued by the Council as regards the lighting and heating of theatres and other suchlike places of public resort. Those as to lighting deal respectively with electric lighting, the use of limelight, and the use of acetylene gas. The requirements are for the most part of a distinctly specialist character. No summary of them is therefore attempted. Reference must be made to the 644
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text of the regulations themselves. The Council have also issued regulations in respect of cinematograph entertainments on licensed premises, but these may be considered to have been superseded by the Home Secretary's regulations made under the Cinematograph Act, 1909, and they are therefore not reproduced.

Rules to be Observed by Licensees of places of public entertainment are issued by the Council. These, which are made under the Metropolitan Board of Works (Various Powers) Act, 1882, deal principally with the methods to be adopted to prevent fire, and to ensure that the means of escape provided under the general regulations are always available.

Provisions as to Old Premises. The Council have power, under section 11 of the Metropolis Management and Building Acts Amendment Act, 1878, to deal with places of public resort which were authorised to be kept open at the time of the passing of such Act. The section provides that where any such place containing a superficial area for the accommodation of the public of not less than 500 sq. ft. "is so defective in its structure that special danger from fire may result to the public frequenting the same," the Council may by notice require the execution of the works necessary to remedy such defects. But before issuing a notice the Council must obtain the consent of the Lord Chamberlain as regards theatres under his jurisdiction, and the consent of a Secretary of State in all other cases. An owner who receives a notice under this section has a right, at any time within fourteen days from the receipt of the notice, to serve a notice of appeal on the Council. The appeal will then be referred to an arbitrator to be appointed by His Majesty's First Commissioner of Works at the request of either party, and the decision of the arbitrator as regards the requirements of the notice and the costs of the arbitration will be final.

In the case of *St. James' Hall Co. v. London County Council* [(1901) 2 K. B. 250], where objection was taken to a notice of the Council regarding premises previously dealt with by the Metropolitan Board of Works, it was held that the administrative authority can exercise its powers under this section once only in respect of the same building. This is a very important decision.

Cinematograph "Theatres," and other premises in which entertainments involving the use of inflammable films are given, must comply with the provisions of the Cinematograph Act, 1909, and the regulations made by the Home Secretary under the Act. Section 2 of the Act provides that any such premises must be licensed by the Council. A person proposing to apply for a licence must give 7 days' notice to the Council, and to the chief officer of police, which term means in the City the Commissioner of City Police, and in the rest of London the Commissioner of Metropolitan Police. Section 6 provides that, where premises are licensed by the Lord Chamberlain, the powers elsewhere exercised by the Council are to be exercised by the Lord Chamberlain. Premises which are used as places of entertainment only a few times a year are not required to be licensed if the provisions of section 7 are complied with.

Persons erecting premises for cinematograph entertainments will of course make a careful study both of the Act and of the regulations. In some cases

it may be necessary to apply for a licence for music and dancing, in addition to one under the Cinematograph Act, and, in any such case, the regulations made under the Metropolis Management and Building Acts Amendment Act, 1878, must also be observed. 633

Furnace Chimney Shafts.

Section 65 of the 1894 Building Act lays down a set of rules applicable, unless the Council otherwise permit, to "every chimney shaft for the furnace of a steam engine, brewery, distillery, or manufactory." These may be briefly summarised as follows :— 475 625

- (a) The material of the shaft . . . brickwork and mortar of the best quality.
- (b) Width at base. (1) if a square chimney, one-tenth of the height.
(2) if round or any other shape, one-twelfth of the height.
- (c) Batter of sides (if detached) . . . at least $2\frac{1}{2}$ ins. in 10 ft. (this of course determines the width of the shaft at the top).
- (d) Foundation to the satisfaction of the district surveyor on concrete or other sufficient foundation.
- (e) Footings. are to have a projection all round the shaft equal to the thickness of the brickwork at the base, and the whole space enclosed by the footings is to be filled in solid.
- (f) Thickness of brickwork . . . at least $8\frac{1}{2}$ ins. at top and for 20 ft. below the top, and increasing downwards by half a brick for every additional 20 ft.
- (g) General details Any firebrick lining is to be additional to the thickness of brickwork prescribed, and is not to be bonded to it; every cap, cornice, pedestal, or other variation from the plain brickwork must be constructed and secured to the satisfaction of the district surveyor.

Having regard to the permissive powers possessed by the Council under this section, the question which rather naturally arises is, What attitude do the Council take up in respect of any proposed construction of such high chimneys in steel or reinforced concrete? As far as I am aware, the Council have rarely sanctioned chimneys of steel construction as permanent structures, but chimneys of this class have on several occasions been approved as temporary structures under Part VII. of the Act for a term of years. As regards chimney

of reinforced concrete, to the best of my knowledge the Council up to the present time (revision of this portion, December, 1910) have not sanctioned a high chimney of this construction, but doubtless before very long there will be a change. It is of course open for any one to apply to the Council for consent to the erection of a reinforced concrete chimney, and it is my impression that if, on a sound conservative basis of calculation, such a chimney could be shown to offer as good a resistance to wind pressure as a brick chimney of the same height, and was in all respects of sound design, the Council would be willing to give the case very favourable consideration. Reinforced concrete is not liable to deteriorate by oxidation like steel, and therefore chimneys of this construction are not open to the same objection as steel chimneys, which possibly, in course of time, they will supersede.

Special and Temporary Buildings and Structures.

Electricity Buildings. Before dealing with the important provisions of Part VII. of the 1894 Building Act having general reference to special and temporary buildings and structures, attention is directed to section 203 of this Act, which deals with electricity buildings. The section states that buildings belonging to a local authority or company having statutory powers, and used by them as generating stations or for works, are to be deemed special buildings to which Parts V., VI., and VII. and the First and Second Schedules of the 1894 Act do not apply. Plans of such buildings must be submitted to the Council for approval, and the Council can consent to a building being of greater dimensions than 250,000 cub. ft. and in other respects exempt a building of this class from any of the provisions of the Act.

If this section was intended to allow a much greater freedom of construction in connection with these electricity buildings, it can hardly be said to have operated satisfactorily. The time taken up in the preparation and submission of full drawings, and their detailed examination by the officials prior to their consideration by the Council, is often very considerable. It seems practically certain that if the routine in the case of such buildings were similar to that in the case of public buildings—the approval of the construction by the district surveyor, subject to there being a right of appeal to the Tribunal—a great deal of unnecessary trouble and delay would be avoided. The district surveyor is in an infinitely more fortunate position than the Council's officers in dealing with the construction of a proposed new building. In this I speak from personal experience. The official at the County Hall has to deal with the structure solely upon paper; he is called upon to investigate the strength of every single joint and connection—upon paper—and he knows that once the paper representation of the structure has received official sanction it may at any time be brought up in judgment against him, although he will never see a single brick or rivet of the actual structure. Consequently he likes to check and re-check the construction before he sends the drawings forward as being satisfactory. The district surveyor, on the other hand, has indeed drawings to deal with, and from these he can ascertain the sufficiency of the main construction, but he need not be extraordinarily careful over details. He

knows that he will see the building day by day in course of erection from foundation to roof, and he gains quiet confidence from the fact that any obvious insufficiency of strutting or bracing, or any weakness in some particular joint, can at once be remedied as a result of five minutes' conversation with the architect or contractor.

From the standpoint of ordinary practical common sense it seems desirable that the Council should either allow its own officers to supervise the construction of these special electricity buildings, giving them some discretionary powers as regards details, or should put such structures on a par with public buildings and make their construction subject to the control of the district surveyor. In either case the institution of a right of appeal to the Tribunal is highly desirable.

Special Buildings and Structures. Coming now to Part VII. of the 1894 Building Act, it is provided in section 82 that "where a builder is desirous of erecting an iron building or structure, or any other building or structure to which the general provisions of Part VI. of this Act are inapplicable or in the opinion of the Council inappropriate, having regard to the special purpose for which the building or structure is designed and actually used," he must make an application to the Council accompanied by plans, and obtain the necessary consent to the erection of the building. All applications under Part VII. must be accompanied by a fee of five shillings, in accordance with the Council's regulations, and a further fee of the same amount is payable when an application under this Part of the Act is approved. A copy of the approved plan is sent to the district surveyor in order that he may see that the construction is carried out in accordance with the plans. Here again the Council's officials rarely see the buildings the construction of which they have recommended for approval.

The Council have made it a practice to issue consents generally under Part VII. and not under any particular section. But where a consent is issued under this Part of the Act without any question of a licence or a time limit, it may be presumed that the section under which the case has been considered is section 82, which, unlike sections 83 and 84, contains no reference to consents for a set period of time. The applicability of section 82 appears to depend upon the purpose for which a structure is used, and such structures as foundries, engineering workshops, grain silos, cooling towers, and other structures put to rather exceptional uses have been dealt with under this section. This seems a very reasonable interpretation of the provisions of Part VII. as applicable to non-temporary buildings. But consents under this Part of the Act have often been given to balconies, gangways, and staircases, and other similar forms of construction which it seems hardly possible in ordinary cases to consider as buildings or structures to which the general provisions of Part VI. of the Act are inapplicable, or, from any reasonable standpoint, inappropriate, having regard to the special purpose for which the building or structure is designed or actually used. The words "in the opinion of the Council" surely lose their efficacy when there actually is no special purpose for which a structure is used.

There are, of course, a considerable number of structures such as shelters

or balconies in advance of the general line of buildings, and gangways over the public way where consent is necessary under some other portion of the building law, and here the Council are doubtless within their rights in refusing to give the consent required under another portion of the Act unless the construction is to their satisfaction. But as regards gangways extending over private land, and as regards ordinary uncomplicated cases of balconies and external staircases which are projections of the nature described in section 73 (1), it would seem that the general provisions of Part VI. are applicable, and that no application to the Council for their consent to erection is necessary. In the case, however, of detached, or practically detached, staircases, where the constructional provisions of section 73 (*e.g.*, tailing into the wall of the building and weighting or tying down) are not applicable, it would seem that application should be made to the Council for consent under section 82.

Temporary Buildings and Structures. The provisions of sections 83 and 84 governing the construction of temporary buildings and structures are in themselves, when taken together, quite reasonably clear and explicit, but the transference by the London Government Act, 1899, of the administrative powers as to wooden structures under section 84, from the County Council to the Borough Councils, has occasioned a great deal of confusion. There being no definition of what is or is not a wooden structure, a most unsatisfactory state of affairs has resulted. Both the County Council under section 83 and many of the Borough Councils under section 84 adopt the practice of licensing the erection of wooden buildings of exactly the same character, although it can hardly have been intended by the Legislature that there should be this overlapping of administrative powers. An arrangement between the central and local authorities has been proposed under which the latter should have control of all wooden buildings under a certain size. But however desirable this might be for administration, it would have no influence on the law.

In the case of *City of Westminster v. London County Council* [(1902) 1 K. B. 326], it was held that a wooden stand erected for the purpose of enabling persons to view a public procession was a wooden structure within the meaning of section 84. It thus appears that the structures contemplated by the section are not necessarily of small size or unimportant character. If the term "wooden structure" is allowed its ordinary everyday significance it would seem that a Borough Council would be justified in assuming control over any type of wooden building. On the other hand, if no building of any kind, however small, is to be included in the term "wooden structure," the scope of the section becomes extremely limited. It should be noted that section 84 does not apply within the City, and does not apply to wooden structures of a movable or temporary character erected by a builder for his use during the construction, alteration, or repair of any building, nor to a hoarding not exceeding 12 ft. in height. The Westminster City Council issue a leaflet dealing with applications for licences for wooden structures in their area.

Under section 83 quite a large number of temporary buildings are licensed by the Council. Buildings erected in connection with an exhibition are usually of this type. The large proportion of the Earl's Court and Wood Lane Exhibitions buildings are of a temporary character. The Council, as a

general rule, desire the form of construction of temporary buildings to be to a considerable extent fire-resisting, but there are no absolute rules in this matter. A great deal depends upon the position and character of the building. In the case of closely-grouped exhibition buildings the use of steel and plaster is preferred. In other cases a detached timber-frame building, covered externally with corrugated iron, and lined internally with plaster or some other fire-resisting material, may be expected to receive favourable consideration, provided that it does not abut immediately on adjoining property. Occasionally this fire-resisting lining is allowed to be omitted. The licences issued in respect of such buildings are usually for periods of one or three years, and, upon the expiration of the term, a renewal of the licence is generally granted upon a certificate being received from the district surveyor to the effect that the building is in a sound structural condition. In the fairly frequent cases of buildings erected in such a manner and in such a position that a life of ten to fifteen years is not an unreasonable expectation, it would often be a great satisfaction to the owner if the Council would depart from their usual policy, and make the term of the licence vary in accordance with the character of the building. It would be quite possible to insure the building being kept in a sound state by making it a condition of consent that it should be from time to time inspected, and reported on favourably by the district surveyor.

Although temporary buildings and wooden structures are licensed respectively by the central and local authorities, the district surveyors do not thereby lose their right to require the submission of an ordinary building notice, to charge fees, and to supervise the construction. This was decided as regards wooden structures in *City of Westminster v. Watson and Others* [(1902) 2 K. B. 717]. As regards buildings coming within the scope of section 83, apparently the point has never been contested.

In the above-mentioned case the judges, however, expressed the opinion that, where a licensed wooden structure is erected which requires a very small amount of supervision from the district surveyor, it would be a suitable case for the Council to exercise their rights under section 154 of the 1894 Act, and to direct a lesser fee to be paid than that specified in the Third Schedule to the Act. 501 522

Exemptions. It is provided that Part VII. of the 1894 Building Act does not apply to a pile, stack, or store of timber not fixed to the ground, and that "structures or erections erected or set up upon the premises of any railway company and used for the purposes of or in connection with the traffic of such railway company" are exempt from the operation of Part VII. It was decided in the case of *London County Council v. Humphreys, Ltd.* [(1894) 2 Q. B. 755] that a wood and iron building erected merely for the purposes of sale, and as a specimen of the defendants' work, did not require a licence from the Council under provisions of the now repealed Metropolis Management and Building Acts (Amendment) Act, 1882, very similar to those of Part VII. of the 1894 Building Act. It was held in *Elliott v. London County Council* [(1899) 2 Q. B. 277] that a coal merchant's office on the premises of a railway company was used for the purpose of or in connection with the traffic of the railway company, and that no licence was required in respect of it. 482

508 **The Storing of Timber**, though not strictly speaking within the scope of a chapter devoted to the erection of buildings and structures, demands some reference. Section 197 of the 1894 Building Act provides that it is not lawful to erect or place a pile, stack, or store of timber or barrels, etc., in advance of the general line of buildings in any street, except where such a pile stood on the 1st January, 1894. A person may not pile, stack, or store timber, barrels, etc., in the portion of any premises in which a furnace is situated, except on the following conditions :—

- (a) that the furnace is enclosed in a building or chamber constructed of fire-resisting materials ; or,
- (b) that there is a distance of not less than 10 ft. between the furnace and the pile.

No pile, stack, or store of timber, barrels, etc., may exceed 60 ft. in height above the level of the ground, and no room, chamber, or space other than a passage may be formed in any such pile, stack, or store. The section does not apply to the timber of railway, canal and dock companies stacked on land occupied by them for the purpose of their undertakings.

When it is realised from a perusal of the above provisions—the only ones in the 1894 Building Act which regulate the storage of timber—that there is apparently nothing to prevent a person erecting a timber store 60 ft. in height and of unlimited area immediately adjoining a building, it is clear that either these provisions are hopelessly inadequate, or those which in effect prohibit the erection of wooden buildings of the fowl-house variety are much too stringent. The adoption of a course between these two extremes would appear to be demanded, if the requirements of the law are to be in any way reasonable.

CHAPTER 11

STEEL-FRAME BUILDINGS

THE erection of steel-frame buildings in London is sanctioned and controlled by the provisions of Part IV. of the London County Council (General Powers) Act, 1909. The relation of this Part of the 1909 General Powers Act to the general London building law first demands consideration. It is provided that such Part of the Act and the previously existing Building Acts are to be cited together as the London Building Acts, 1894 to 1909. Section 24 further provides that the foregoing provisions of Part IV. of the Act, which have reference to questions of construction, are to form part of Part VI. of the 1894 Building Act. It is by no means unusual in English local government law to find Acts of which many of the provisions have no force unless adopted by the local authority. In a similar matter Part IV. of the 1909 General Powers Act may be considered, from the point of view of the architect, engineer, or builder, to be "adoptive," for no one is bound by its provisions with regard to the construction of steel buildings unless he desires to avail himself of the special methods of construction dealt with by the Act, and consequently voluntarily brings himself within the scope of the Act. A person is thus able to decide by what constructional provisions he will be controlled. If he erects a building of ordinary construction, with brick walls and floors of timber or steel and concrete, he is bound by the ordinary requirements of the building law. If, on the other hand, he desires to erect a steel-frame building with thin panel walls, he is bound by the provisions of the General Powers Act of 1909.

When a person erects a building which, as a question of fact, is a steel frame building, it seems very questionable whether, having regard to the opening words of section 22 of the Act of 1909, the provision of walls in accordance with the 1894 Act entitles him to disregard the constructional requirements of the 1909 Act. Should in any such case the district surveyor take the view that such requirements may not be disregarded, it would be inadvisable for a person to proceed with the erection of his building on such lines without having first obtained legal advice as to his position.

Scope of Part IV. of the General Powers Act, 1909. The constructional provisions which are contained in the 1909 Act deal principally with the loads to be allowed in calculating the sizes of the members, the characteristics, and safe resistance of the materials used, the bearing powers of soils, the methods of constructing and encasing pillars and girders, and the construction of panel walls, floors and staircases. There are further provisions which apply to the submission of drawings and the payment of fees to district surveyors, and which give the cases in which there is the right of appeal, and the body or Court to whom appeal may be made. Also, further constructional

- 594 provisions exist in section 23, which give the Council power to make regulations with respect to the construction of buildings wholly or partly of reinforced concrete. The provisions of the Act are by no means given in the order thus outlined, but such order will be adhered to in the detailed treatment, as it is approximately the order in which the provisions are required to be consulted by a person proposing to design and erect a steel-frame building.

Requirements as to Construction.

- 589 **Construction of Party Walls.** It should be noted that the provisions of the Act as to the construction of steel-frame enclosures do not apply to party walls. All such walls must be of the thicknesses required by the 1894
114 Building Act, unless the Council, or upon appeal the Tribunal, consent to a lesser thickness. If, however, a person elects to build an external wall on his own ground at the junction with other property, he is presumably quite within
589 his rights if he builds this of steel-frame construction with thin panel walls. In every building coming within the scope of the Act, the skeleton framework, together with the party wall or walls, must be capable of sustaining the whole load.

- Definitions.** There are three special definitions in the Act; in other respects all words and expressions, unless the context otherwise requires, bear the meanings given to them in the 1894 Building Act and its amendments of 1898 and 1905, and the London County Council (General Powers) Act, 1908. The expression "pillar," unless otherwise stated, means "a metal pillar, and shall include all columns and stanchions, or an assemblage of columns or stanchions properly riveted or bolted together." The expression "girder" means a metal girder or joist, and "Tribunal of Appeal" means the Tribunal
595 of Appeal as specially constituted for the purpose of the Act of 1909.

- 590 **Calculation of Loads.** Loads to be allowed for in calculating the strength of members are classified as dead loads and superimposed loads. Dead loads are stated to consist of the actual weight of walls, floors, roofs, partitions, and all other permanent construction comprised in the building. Superimposed loads are all loads other than dead loads. For the purpose of calculating the loads on foundations, pillars (including brick pillars), piers, walls, steel framework, and other forms of construction carrying loads, the superimposed loads to be allowed on floors are stated to be equivalent to dead loads as follows:—

SUPERIMPOSED LOADS ON FLOORS.

Use of Floor (whole or principal).	Load to be allowed in Lbs. per Sq. Ft.
For the purposes of human habitation, or for domestic purposes	70
For the purpose of an office or counting-house, or for any similar purpose	100
For the purpose of a workshop or retail shop	112
Every floor in a building of the warehouse class not proposed to be used wholly or principally for any of the foregoing purposes	224

In every building of the warehouse class a notice is to be exhibited in a conspicuous place on each story of the building, stating the maximum superimposed load per square foot which may be carried on the floor of such story. 591

The loads to be allowed on roofs, which loads are to be taken to include the load due to wind pressure, are stated as follows:—

SUPERIMPOSED LOADS ON ROOFS.

Slope of Roof.	Load to be allowed in Lbs. per Sq. Ft.
A greater angle than 20 degs. .	28 lbs. per sq. ft. of sloping surface.
All other slopes	56 lbs. per sq. ft. measured on a horizontal plane.

The rather startling fact that a greater load has to be allowed on a flat or low-pitched roof than on one of average pitch, is presumably due to an allowance being made for the possible weight of people on the first-mentioned class of roof. But the presence of a number of people on a pitched roof of any kind adopted in the case of a steel-frame building appears to be a most unlikely contingency.

In addition to the specified allowance for loads on floors and roofs, there is a general covering clause to the effect that, if in any case the load exceeds that specified, provision must be made for this pursuant to sub-section 2 of section 22, which requires that the skeleton framework of a building, together with the party wall or walls, is to be capable of independently sustaining the whole dead and superimposed load.

Reduction of Loads. Except in the case of a building of the warehouse class, a reduction of the superimposed load is allowed in calculating the total load carried on foundations, pillars (including brick pillars), piers and walls, in buildings more than two stories in height. The superimposed loads for the roof and the topmost story are to be calculated in full. For the story next below the topmost story a reduction of 5 per cent. of the superimposed load is allowed; for the next story a further reduction of 5 per cent., making a total reduction of 10 per cent. on the load on the topmost story, and so on, working downwards with a reduction increasing uniformly at the rate of 5 per cent. per story, until the calculated top-story load has been reduced by 50 per cent., after which no further reductions are to be made. But this 50 per cent. limit of reduction is more of an academical than a practical nature, for, except in the case of a building erected with several basements one below the other, or a building erected by special consent to a greater height than 80 ft., the reduction on any story will rarely amount to 50 per cent. of the general superimposed load. 591

Allowance for Wind-Pressure. The question of wind-pressure on roofs need not be considered, as this is covered by the specified superimposed load already mentioned. But, as regards the enclosures, the Act provides that "all buildings shall be so designed as to resist safely a wind-pressure in any horizontal direction of not less than 30 lbs. per sq. ft. of the upper two-thirds of the surface of such buildings exposed to wind-pressure." 591

588 **Character of Materials.** It is provided in the first sub-section of
 section 22 that every pillar or girder must be of iron or steel or any other
 structural metal which may in course of time be standardised by the
 Engineering Standards Committee. All rolled steel must comply at any time
 with the then current British standard specification for structural steel
 for bridges and general building construction. This requirement as to
 compliance with the standard specification met with considerable criticism
 when it appeared in the draft of the Bill, and it will be interesting to see
 whether the anticipated difficulties are met with in the actual working of
 the Act. The right to use other standardised materials than iron and steel
 593 is regulated by sub-section 30 of section 22. It is there provided that the use
 of such material must be subject to such terms or conditions as the Council
 may think fit to attach. A person dissatisfied with any term or condition is
 able to appeal to the Tribunal of Appeal.

588 In spite of the provision in sub-section 1 of section 22 to the effect that
 593 every pillar must be of iron or steel, it would appear from sub-section 26 that
 the use of disengaged brick pillars for load-bearing purposes is permissible.
 Presumably the question of the position in which a brick pillar may be used
 is one to be decided on the facts of each particular case.

589 All brickwork, and all work in which terra-cotta, concrete, stone, tiles, or
 similar materials are used, must be executed in Portland cement mortar,
 and must be bedded close up to the metal framework without any interven-
 ing cavity. The cement so used must be in accordance with the current
 British standard specification. It is, however, provided that the brick-
 work of party walls, exclusive of portions immediately surrounding metal
 framework, may be constructed in lime mortar in accordance with the by-laws.
 This proviso also refers to internal brickwork not constructed to carry loads.
 The Council may prescribe the materials and proportions of materials to be
 used in any concrete to which the provisions of the by-laws do not apply.

Allowable Stresses of Materials. The working stresses of iron and
 steel, except in the case of pillars, which are dealt with separately, must not
 exceed those given in the following table:—

592

WORKING STRESSES OF IRON AND STEEL.

Metal.	Working Stresses in Tons per Sq. In.			
	Tension.	Compression.	Shearing.	Bearing.
Cast iron . . .	1·5	8	1·5	10
Wrought iron . .	5	5	4	7
Steel	7·5	7·5	5·5	11

In the case of a rivet used in double shear, the working shear must not exceed $1\frac{3}{4}$ times that allowed for a rivet of the same size in single shear. This allowance for double shear represents conservative practice. In the section books of some steel firms, the working stress of a rivet in double shear is reckoned as twice that of such rivet in single shear. Other firms, however, adopt the figure of $1\frac{3}{4}$ as a multiple.

The pressures of foundations on the natural ground must not exceed the following:—

MAXIMUM PRESSURES ON SOILS.

592

Character of Soil.	Maximum allowable Pressure in Tons per Sq. Ft.
Natural bed of soft clay, or wet or loose sand	1
Natural bed of ordinary clay, or confined sand	2
Natural bed of compact gravel, London blue clay, or chalk	4

It is important to notice that the Council have power to consent to pressures in excess of those given in the above table. They are thus able to consider an exceptional case upon its merits, as, for instance, a load on blue clay at a great depth below the surface, where a pressure exceeding 4 tons per sq. ft. might reasonably be allowed. But this power of modification is not possessed by the Council as regards the working stresses of iron and steel, and the maximum pressures on other building materials.

The maximum allowable pressures on brickwork are given in the following table; in this the maximum allowable pressure on concrete, as given in the general text of the Act, has also been inserted in order to facilitate reference:—

MAXIMUM PRESSURES ON BRICKWORK AND CONCRETE.

593

Material.	Maximum allowable Pressure in Tons per Sq. Ft.
Blue brick in cement mortar	12
Hard brick (including London stock) in cement mortar	8
Ordinary brick in cement mortar	5
Concrete, as used in foundation work	12

Sizes of Brick Pillars. No disengaged brick pillar without proper lateral supports may have a greater height than 6 times its least width. But if a pillar has proper lateral supports, its height may be 12 times the least width. Such width, however, must not be less than $13\frac{1}{2}$ ins.

Strength of Metal Pillars. The working stresses of pillars of cast iron and of steel are given in two separate tables, and it is provided that the working

stresses of wrought-iron pillars are not to exceed two-thirds the specified working stresses for steel pillars. The two tables are as follows:—

591

WORKING STRESSES OF CAST-IRON PILLARS.

Ratio of Length to Least Radius of Gyration.	Working Stresses in Tons per Sq. In. of Net Section.		
	Hinged Ends.	One End Hinged and One End Fixed.	Both Ends Fixed.
20	3.5	4.0	4.5
30	3.0	3.5	4.0
40	2.5	3.0	3.5
50	2.0	2.5	3.0
60	1.5	2.0	2.5
70	1.0	1.5	2.0
80	.5	1.0	1.5

592

WORKING STRESSES OF MILD STEEL PILLARS.

Ratio of Length to Least Radius of Gyration.	Working Stresses in Tons per Sq. In. of Section.		
	Hinged Ends.	One End Hinged and One End Fixed.	Both Ends Fixed.
20	4.0	5.0	6.0
40	3.5	4.5	5.5
60	3.0	4.0	5.0
80	2.5	3.5	4.5
100	2.0	3.0	4.0
120	1.0	2.5	3.5
140	0.0	2.0	3.0
160		1.0	2.5
180		0.0	1.5
200			0.5
210			0.0

Proportionate working stresses are allowed to be adopted for intermediate ratios. Any person who desires to be able to quote the stresses in these tables

at any time, may take note that, except in the case of the high ratios of length to least radius of gyration, the stresses may be obtained by straight line formulæ. Thus, when l = length and r = least radius of gyration, in the same units, the safe unit stress in tons on steel pillars fixed at both ends is $6.5 - \left(\frac{1}{40} \times \frac{l}{r} \right)$ for any ratio up to 160, and the stress for steel pillars hinged at one end and fixed at one end, is $5.5 - \left(\frac{1}{40} \times \frac{l}{r} \right)$ for any ratio up to 140. Formulæ of similar character may be applied to the case of cast-iron pillars.

The radii of gyration of all ordinary steel sections are given in the section books issued by steel manufacturers. But when built-up sections are used it will often be necessary to work out the least radius of gyration. The method to be adopted is illustrated in Chapter 12.

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The Question of End Fixing of Pillars, affecting very materially as it does the allowable stresses, is one of considerable importance. Every case must be dealt with on its merits, but some general principles may be stated. The extent to which a pillar may be considered to be fixed at the ends will depend upon the position and rigidity of the members to which it is fixed, and the form of the joints at the connections. A pillar is, properly speaking, "fixed" only when it is so secured that it will not tend to bend bodily in any direction. In the case of a properly secured pillar, the portions of the pillar immediately adjoining the connections at top and bottom will tend to remain vertical, while the rest of the pillar bends. It is evident that in such a case the members to which the pillar is connected must be rigid, and the joints must be of considerable strength.

It is of great importance to note that a pillar may be "fixed" as regards bending about one of its axes of symmetry, and yet may offer very little resistance to bending about the other axis. But, in considering this question, regard must sometimes be had to the relative values of the section modulus of the pillar about each of the axes concerned, for, where the section modulus of a pillar about a certain axis is very large, the material of the pillar will offer great resistance to bending, apart from the question of end fixing. Generally speaking, however, a pillar can be considered to be fixed at both ends only when it is firmly connected at such ends, on all four sides, to rigid members. Where either the members or the connections are not of sufficient strength to enable a pillar to be considered as having both ends fixed, it may possibly be treated as having one end fixed and one end free.

Stresses due to Eccentric Loading. If a pillar is eccentrically loaded, the stresses due to the eccentricity of the load must be computed, and the compressive stress added to the stress due to the direct load, and possibly to wind-pressure. The total stress must not exceed the working stress specified in the tables dealing with the strength of pillars having various ratios of length to least radius of gyration. Any eccentric load is to be considered to be uniformly distributed over the cross-sectional area of the pillar at the next lower level at which the pillar is secured in the direction of the eccentricity of its loading. The method to be adopted in determining the additional stress due to eccentric loading is illustrated in Chapter 12.

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592 **Stresses due to Wind Pressure.** The required allowance to be made for wind-pressure acting on the enclosures of a building has already been mentioned. The effect of this is, however, very considerably minimised by a provision that the working stresses specified in the tables may be exceeded by 25 per cent. if the excess of stress is due to wind pressure. This proviso can hardly rest on any scientific basis, for it brings into existence a variable factor of safety, and I do not see how it can be justified, except on the assumption that either the working stresses given in the tables are too low or that the required allowance for wind pressure is too great. However, few persons will feel inclined to adopt steelwork of a greater strength than that required by the Act, and thus presumably frequent advantage will be taken of this concession as regards stresses due to wind pressure.

589 **Rules as to Rivets.** In the construction of steel-frame buildings rivets are to be used "in all cases where reasonably practicable." Where bolts are used they must extend through the full thickness of the nuts, and must be so secured as to avoid the risk of their becoming loose. A rough-and-ready way of affecting this is to burr over the projecting ends of the bolts after the nuts have been screwed up tight. The following sound constructional rules are given in the Act:—

- (1) The distance of a rivet or bolt hole from the edge of a plate or member must not be less than the diameter of the rivet or bolt.
- (2) Rivets must not be spaced closer together than 3 times their diameter.
- (3) The pitch of rivets, measured in a continuous straight line, must not exceed, in girders, pillars, and roof work, 16 times the thickness of the thinnest plate, bar, or member through which the rivets pass.

590 **Rules as to Pillars.** The following rules apply to a cast-iron pillar:—

- (1) The width must not be less than 5 ins., and the thickness of metal not less than $\frac{3}{4}$ in. or one-twelfth the least width of the pillar, whichever measurement is the greater.
- (2) The cap and base must be in one piece with the pillar, or connected to it by means of a properly turned and bored joint.
- (3) The ends must be at right angles to the axis.
- (4) All joints are to be as near as practicable to the level of a girder, and are to be made with not fewer than 4 bolts of not less diameter than the least thickness of the metal of the pillar. If more than 4 bolts are used their diameters may be proportionately reduced, but must not be less than $\frac{3}{4}$ in.
- (5) The base must be of sufficient area properly to distribute the load on the foundations.

589 The following rules apply to a steel or wrought-iron pillar:—

- (1) No plate or bar is to be in any part less than $\frac{1}{4}$ in. thick, and the base of the pillar is to be at right angles to the axis of the pillar.
- (2) All joints are to be close butted with cover plates properly riveted, and unless unavoidable, no joint is to be made except at or near the level of a girder.

- (3) The foot is to have a proper base plate with sufficient gusset pieces properly to distribute the load on the foundations, and with sufficient rivets to take up the whole of the load.
- (4) Where a pillar is built hollow, the cavity must either be filled up with concrete or covered in at both ends by metal plates riveted to the pillar.

The following rules apply to every pillar irrespective of the material of which it is composed :— 590

- (1) The base must be properly bedded so as uniformly to transmit the load to the foundations.
- (2) The stress in any metal interposed between two pillars must not exceed the stress on the uppermost pillar, and the least width across the interposed metal must not be less than the least width of such uppermost pillar. (This applies, presumably, to cases where girders are run through, and the pillars finish against the top and bottom of the girders.)

Rules as to Girders. The following rules apply to girders :— 588

- (1) A girder must be secured against buckling whenever the length exceeds 30 times the width of the compression flange. (Main steel girders forming part of an ordinary floor system may presumably be considered to be satisfactorily secured by the subsidiary joists which run into them.)
- (2) The web of a girder must be secured against buckling whenever the depth of the web exceeds 60 times its thickness.
- (3) The span of a girder must not exceed 24 times the depth, unless the calculated deflection is less than 1-400th of the span.
- (4) Girders arranged side by side and intended to act together are to be fixed together by means of iron separators and bolts, or by riveted plates, or in any other equally efficient manner approved by the district surveyer. The spacing of such separators must not exceed 5 times the depth of the girders, and, in addition, separators must be provided over all supports, and immediately under or at all concentrated loads.
- (5) Girders supporting external walls must not be placed at a greater distance than 5 ft. above or below a floor level.

Protection of Metal Work. All structural metal work comprising the skeleton framework of a building is to receive one coat of boiled oil, tar, or paint before erection, and at least one further coat after erection. Where the metal is to be encased with incombustible materials, a coat of Portland cement wash may be used instead of such coats of boiled oil, tar, or paint. All pillars and girders in the external walls of a building must be completely enclosed and protected from the action of fire by a casing of brickwork, terracotta, concrete, stone, tiles, or other incombustible materials at least 4 ins. thick, the whole being properly bonded or secured together. But the casing on the underside of girders, and to the edges of the flanges, and any plates and angles connected therewith, need not exceed 2 ins. in thickness. 590 588

All pillars and girders in the interior of a building must be protected from

the action of fire by being encased to the satisfaction of the district surveyor, and to a thickness of at least 2 ins., with brickwork, terra-cotta, concrete, metal lathing and plaster, or cement. But the casing on the top of the upper flanges of all girders and at the bottom of all subsidiary joists need not be more than 1 in. Wood firrings must not be used in connection with any such casing. This requirement as to the protection of internal metal work does not, however, apply to the case of one-story buildings which do not exceed 25 ft. in height.

589 **Thickness of External Walls.** The general thickness for an external panel wall, irrespective of the thickness required for encasing the metal work, is as follows:—

Topmost 20 ft. of its height at least $8\frac{1}{2}$ ins.

Remainder of its height „ „ 13 „

515 But this rule must be read in connection with two special provisos in which reference is made to the First Schedule of the 1894 Building Act. These are as follows:—

- (1) If a less thickness than that above specified is allowed in the Schedule, then such less thickness may be adopted.
- (2) If an external wall is not supported or carried or secured within the limits of height and length prescribed by the Schedule, for the purpose of determining the thickness of walls, then the thickness must not be less than that required by the Schedule.

The first proviso will apply only to the case of walls of limited height and length, forming part of buildings “not public and not of the warehouse class.” The object of the second proviso is presumably to prevent the erection of walls unstiffened by steelwork which are weaker than those specified in the First Schedule of the 1894 Building Act. It will thus be necessary for the designer of a steel-frame building to take note of his largest unsecured wall surfaces, and then by comparing the proposed wall-thickness with that of a wall of similar height and length as given in the Schedule, he will be able to ascertain whether any increase in thickness or further tying of the brickwork to the metal work is required. The height and length in such a case will be the distances, vertical and horizontal, between the points at which the area of wall considered is “supported or carried or secured by metal framework.” Probably this proviso will rarely be required to be considered in practice, for it will only apply when somewhat exceptional areas of unsecured brickwork are involved.

590 **The Construction of Floors and Staircases.** It is provided that all floors and staircases, together with their enclosing walls, must be constructed throughout of fire-resisting materials, and be carried on supports of fire-resisting materials. As the constructional provisions of this Part IV. of the 1909 General Powers Act form part of Part VI. of the 1894 Building Act, the 509 First Schedule of the 1905 Amendment Act, containing a list of materials recognised as fire-resisting for the purpose of the Building Acts, will of course apply. This should, therefore, be consulted when deciding upon the construction of floors and staircases, although doubtless the materials adopted will be much more fire-resisting in character than some of those specified in the Schedule.

Additions. The application of Part IV. of the 1909 General Powers Act 593 is not restricted to new buildings. Sub-section 29 of section 22 provides that it is lawful "to make any addition to, or alteration of, or to do other work to, in, or upon a building" in accordance with the provisions of section 22, which contains the detailed requirements as to the erection of steel-frame buildings. If alterations are desired to be carried out under the provisions of the section, the whole of the loads in the part of the building added or altered must be transmitted from the roof to the foundations either wholly by a metal framework, or partly by a metal framework and partly by a party wall or walls. The provision of external walls for the purpose of carrying a portion of the loads is not admissible, although presumably one distinct portion of an addition could be carried out in ordinary construction, and the remaining portion of the addition in steel-frame construction. It seems probable that this sub-section will be frequently put into operation, for in alterations or additions to existing buildings, quickness of execution is often of great importance, and there is no quicker method of building than that of using a steel frame.

Provisions as to Administration.

The Submission of Plans. In the case of the erection of a steel-frame 593 building, or the making of any steel-frame addition or alteration to a building, 597 it will not be sufficient merely to give the district surveyor the ordinary building notice under section 145 of the 1894 Building Act. It is necessary, at the 499 same time as the notice is given, to forward him plans and sections in sufficient detail to show the construction, together with a copy of the calculations of the loads or stresses to be provided for, and particulars of the materials to be used. If this information is not given in sufficient detail the district surveyor may by notice demand such further plans, sections, calculations and particulars as he may reasonably require. A person dissatisfied with such a requirement 594 may, within 14 days after the receipt of the notice from the district surveyor, appeal to the police Court, and the magistrate may make an order confirming or rescinding the requirement. It should be particularly noticed that this is the only case in the Act in which the appeal is not to the Tribunal of Appeal.

I understand that the district surveyors are proposing to issue special forms for the submission of calculations, and that they may also give some particulars of the methods which they desire to see adopted in the working of the statical problems involved. It would appear that, as there is no provision with regard to such matters in the Act, any forms issued or methods proposed will not have any statutory significance, and their adoption will not be compulsory. Should the proposed forms be issued, it is anticipated, however, that they will be generally adopted, for architects and engineers, in putting forward their calculations in such a manner that these can readily be checked by the district surveyors, will expedite their own work. As regards any suggested methods to be adopted in calculations, it is to be trusted that, if rules are given, the mathematical facts upon which such rules are based will not be obscured.

Fees Payable to District Surveyor. The fees required to be paid to 595

the district surveyor in respect of the erection of steel-frame buildings are very much larger than those required in the case of buildings of ordinary construction. Contractors should take particular note of this fact. It is provided in section 26 that the fees are to be two and a half times the fees specified in Part I. of the Third Schedule to the 1894 Building Act, and are to be calculated as follows:—

- | | |
|-------------------------|--|
| (1) New buildings . . . | Upon the area and height of the building. |
| (2) Additions . . . | Upon the area and height of the addition (including such portion of the main building as may be structurally affected), as if it were a new building of the same area and height. |
| (3) Alterations . . . | Upon the area and height of the portion of the building structurally affected by the alteration (not necessitated by or involved in the making of an addition) as if it were a new building of the same area and height. |

One-fifth of the fee thus payable to the district surveyor is to be paid to him at the same time as the ordinary building notice is served.

It is specially stated that in calculating the fees, no regard is to be had to the proviso contained in Part I. of the Third Schedule to the 1894 Act. This proviso increases the fees by one-half on public buildings, buildings constructed of concrete, and buildings divided into separate sets of chambers or tenements by party structures. It would thus appear that the process of multiplying the ordinary fee by two and a half is to be adopted without modification in all cases.

It is further provided that the fees payable in respect of various specified works shall be (without increase) those specified in Part I. of the Third Schedule of the 1894 Act. Such works are as follows:—

- (1) The construction of arches or fire-resisting floors over or under public ways;
- (2) The formation or closing of openings in party walls.
- (3) The construction of certain chimneys and flues, and the cutting away of chimney breasts.

Supervision of Work by District Surveyor. The district surveyor, for the purpose of supervising the construction of a steel-frame building, may require to be furnished with reasonable proof as to the quality of metal to be used. He may, if not furnished with such proof, or for any other reason, require the person directing the work to make any tests which he may consider necessary, and may drill any pillar at any point to ascertain the thickness of the metal. The drilling is required to be done before the pillar is encased if it is then reasonably practicable. It is to be hoped that the district surveyors will not in any way strain the term "reasonable" as applied to the furnishing them with proof of the quality of the metal used in any work. It seems questionable whether, if reasonable proof, as it would appear to five men out of six, is furnished, the words "or for any other reason," which occur in the

requirement, would entitle the district surveyor to demand that tests should be made.

Application for Special Treatment. Throughout the whole of the London building law the provisions giving the right of application to the Council and appeal to the Tribunal are unquestionably of the highest practical importance. The structural provisions of the 1909 General Powers Act are no exception to the general rule. Sub-section 34 of section 22 provides that, in order to facilitate the construction of buildings of metal skeleton framework, it is lawful for the Council to modify or waive any of the requirements of specified sub-sections. These requirements are as follows (the number of the sub-section being placed in brackets at the end of each):—

- (a) Protection of metal pillars in external walls . . . (3).
- (b) Protection of girders in external walls . . . (4).
- (c) Protection of internal metal pillars and girders . . . (5).
- (d) Provision of separators between girders . . . (8).
- (e) Position of external girders with regard to floor lines . . . (9).
- (f) Thickness of external walls . . . (11).
- (g) Thickness of party walls . . . (11).
- (h) Construction of brickwork . . . (11).
- (i) Construction of joints in wrought-iron or steel pillars . . . (12B).
- (j) Painting of structural metal work . . . (17).
- (k) Construction to resist wind pressure . . . (20).
- (l) Pressure of foundations on natural ground . . . (24).
- (m) Construction of brick pillars . . . (26).

Upon an application for a modification or the waiving of a requirement being made, if the Council within 1 month in ordinary cases, and within 2 months during a specified period in the summer vacation, do not give notice of their refusal of the application, they will be deemed to have granted it.

Appeal. Having regard to the several instances in which modifications or variations of the requirements may be requested, applications to the Council in respect of some detail or details of construction may be anticipated to be of fairly general occurrence. Their frequency will certainly not be lessened by the fact that in all cases where there is the right of application to the Council there is also the right, if the Council's decision is not favourable, of appeal to the Tribunal of Appeal as specially constituted for the purpose of the Act. This Tribunal consists of the three members forming the Tribunal under the 1894 Building Act, and a fourth member appointed by the Council of the Institution of Civil Engineers. In the event of there being an equality of votes the chairman has a casting vote.

The Construction of Public Buildings. The question of the application of the Act to public buildings is one of some little interest. There appears to be nothing in the Act which to the slightest degree overrides the provisions of sections 78 and 79 of the 1894 Building Act, in which the construction of public buildings is required to be to the satisfaction of the district surveyor, or, in the event of an appeal, to that of the Tribunal of Appeal. It is

590 noteworthy that in the statement of loads on floors, there is no reference to the loads to be allowed on floors used for the purpose of a public building. But there appears to be nothing to prevent public buildings being erected of steel-frame construction. The provisions of sections 78 and 79 of the 1894 Building Act seem to give such wide discretion to the district surveyor that it may with fair confidence be assumed that any form of construction which meets with his approval is a compliance with the law. If this be so, the only point as to which there is difficulty is one of the fees payable, and here the question seems to be open to very considerable doubt. Mention has been made of the

595 provision making the two and a half multiple of fees applicable to all steel-frame buildings no matter of whatever class. If a public building were erected in accordance with constructional rules similar to those of the 1909 General Powers Act, and with an allowance for floor loads made to the satisfaction of the district surveyor, it would seem unfair to contend that two and a half times the ordinary building fee was not payable. But if the district surveyor exercised his powers under section 78 of the 1894 Building Act and required construction of exceptional character, or if he admitted the erection of a building not wholly of steel-frame construction, it would seem difficult to decide the amount of the fee payable.

594 **Structures of Reinforced Concrete.** Under section 23 of the 1909 General Powers Act the Council have power to make regulations "with respect to the construction of buildings wholly or partly of reinforced concrete, and with respect to the use and composition of reinforced concrete in such construction." Regulations of this kind are being prepared. The regulations are not to have any effect until they have been allowed by the Local Government Board, and the Council are required to give the Surveyors' Institution, the Institution of Civil Engineers, the Royal Institute of British Architects, and the Concrete Institute due notice of their intention to apply for an allowance of the regulations. It may thus be anticipated that the regulations will be subjected to the best technical criticism before they come into force, which it is to be hoped will be at no very distant date. In dealing with the few reinforced concrete structures which have up to the present passed through its hands, as special structures proposed to be erected under Part VII. of the 1894 Building Act, the Council have been principally guided by the report of the Reinforced Concrete Committee convened by the Royal Institute of British Architects. If the regulations are framed on the basis of this report they will be likely to meet with very general acceptance.

The already mentioned provisions of the 1909 General Powers Act with regard to payment of fees apply to reinforced concrete as well as steel-frame buildings.

CHAPTER 12

IMPORTANT FEATURES IN CALCULATIONS

THE decision to include a chapter dealing with some features in the calculations necessitated in structural design was arrived at only after much deliberation. Some knowledge of the principles of structural mechanics and their application in practice is of course demanded of a person who erects buildings in any locality. But in London, where an architect is often called upon, either by the officials of the County Council or by the local district surveyor, to justify the details of the construction he proposes to adopt, something more than a slight acquaintance with the elements of the subject is required. There are, of course, an army of books dealing with the design of structures, and it is clearly unnecessary to repeat the elementary definitions and proofs given in practically every handbook of this nature. With such most persons are familiar. It has been felt, however, that there are a few problems of great importance, of which the solution may not be apparent to persons who have received a purely architectural training, and who have difficulty in following the explanations given in engineering text-books. With these problems, and with these only, it is proposed directly to deal, although, in the introductory remarks leading up to each special point, it has been thought desirable, where possible, to give a brief summary of the ordinary constructional rules or formulæ. The problems to which reference will be made are three in number, and concern (1) the calculation of beams to bear combined distributed and concentrated loads; (2) the determination of the radii of gyration of built-up sections; and (3) the calculation of the increased stress in columns subjected to eccentric loading. It is assumed that readers are familiar with the ordinary rules of mechanics as to the calculation of the moments of forces.

Calculations for Beams.

Basis of Beam Calculations. The following equation is the basis of all beam calculations:—

$$\text{Moment of resistance} = \text{Bending moment.}$$

If in any case the moment of resistance is less than the bending moment the beam is not of sufficient strength. The moment of resistance of any beam is obtained by multiplying a property of the section of the beam, which property is termed the *section modulus*, by the safe compressive or tensile stress in the material of the beam, which stress in the case of steel is about $7\frac{1}{2}$ tons per sq. in. The section modulus of a beam is obtained by dividing

the moment of inertia of the section, calculated, with the inch as the unit of measurement, about the neutral axis of the beam, by the distance in inches from the neutral axis to the extreme fibre of the section. An approximation in the nature of an under-estimate of the section modulus may be obtained in the case of a rolled steel joist, by multiplying the net area of one flange in square inches by the depth of the joist in inches. This is a common practice among architects, and may be adopted with advantage when a steel-section book is not at hand.

Symmetrically-loaded Beams. When beams are symmetrically loaded, the maximum bending moments may be obtained by means of the following simple formulæ:—

$$(1) \text{ Cantilever with concentrated load at outer end } \quad B = W L.$$

$$(2) \text{ Cantilever with uniformly distributed load } \quad B = \frac{W L}{2}.$$

$$(3) \text{ Supported beam with central load } \quad B = \frac{W L}{4}.$$

$$(4) \text{ Supported beam with distributed load } \quad B = \frac{W L}{8}.$$

When B = maximum *Bending moment* in foot or inch tons.

W = total *Weight* or load in tons.

L = *Length* of span in feet or inches.

The foregoing formulæ are, of course, familiar to almost everyone. Frequently they are seen written in conjunction with quantities belonging to the moment of resistance, but this practice is to be deprecated. It is a sound rule, when proposing to select or design a beam to carry a known load, to find, in the first place, the bending moment. Then, if the bending moment is divided by the safe stress per square inch of the material, the result will be the section modulus of the required beam. With this knowledge a beam may be selected from a steel section book, or, if it is of a very large size, may be specially designed as a form of plate girder.

Unsymmetrically-loaded Beams. Not a few persons who are quite familiar with the method of calculating the required strength of symmetrically-loaded beams, find a difficulty in dealing with a beam on which the loads are disposed in an irregular manner. The steps to be taken in finding the maximum bending moment of a beam thus loaded are three in number. First, the reaction at one of the supports must be found by taking moments about the other support. Secondly, if it is not clear at which point along the length of the beam the maximum bending moment occurs, the position of the point where this takes place must be obtained by finding the point at which the shear is said to change sign, for the point of maximum bending moment and the point at which the shear changes sign are always the same. The position of this point may be ascertained by commencing at that support at which the amount of the reaction has been ascertained, and proceeding along the beam towards the other support, and successively deducting from the figure representing the amount of the reaction, the amount of each load met with,

the results being the shear at the several points along the length of the beam. Then, when a point is reached at which the continued deductions have reduced the shear to zero, or, by the sudden deduction of a concentrated load, have made it appear to be a minus figure, this point is that at which the shear is said to change sign. In finding this point it is customary to work along the beam from the left-hand support. The fact that under these conditions the shear on the right side of the beam has the minus sign does not signify that the shearing stress is in any way different. The plus and minus signs are used merely for the sake of affording a ready means of reference.

When the point where the shear changes sign has been ascertained in the foregoing manner, the third step must be adopted and the amount of the maximum bending moment at such point be determined. This may be done by calculating the moments, about this point, of all the forces acting on the beam on one side of such point. As only one reaction has been directly calculated it will be desirable to consider the forces acting on that part of the beam at which this known reaction occurs, although, of course, the reaction at the other end of the beam may be easily determined by deducting the known reaction from the total amount of the loads on the beam. The maximum bending moment will be the difference between the sum of the moments of the forces on one part of the beam which tend to turn the portion of the beam considered in a clockwise direction, and the sum of the moments of the forces on the same part of the beam which tend to turn such part of the beam in a contra-clockwise direction. Once the maximum bending moment has been ascertained, a beam of sufficient strength to resist the action of the loads may be obtained by selecting or designing one of which the moment of resistance—that is to say, the section modulus multiplied by the safe stress per square inch of the material—is at least equal to the ascertained maximum bending moment.

Example of Unsymmetrically-loaded Beam. Let it be required to select a pair of rolled steel joists, to be placed side by side, which, when extending over a span of 20 ft., will be able safely to sustain the loads shown to be imposed in the diagram on page 166.

In order to obtain the amount of the reaction R_1 , it will be necessary to take moments about the right-hand point of support. The distributed load of 1 ton per ft. run, which gives a total load of 20 tons, will of course act at its centre of gravity, which is the centre of the beam. The moments of the forces about the right-hand support are as follows:—

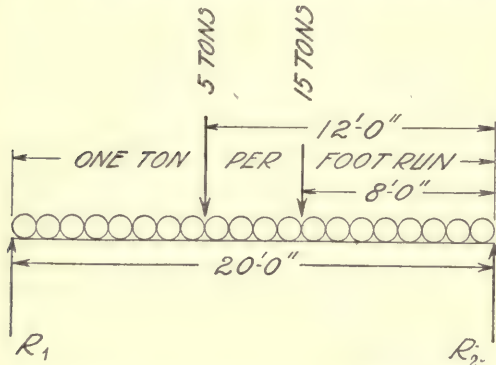
Clockwise moment $R_1 \times 20$ ft.

$$\text{Contra-clockwise moments} \left\{ \begin{array}{l} 5\text{-ton load} \times 12 \text{ ft.} \quad . \quad . = 60 \text{ ft. tons.} \\ 20\text{-ton distributed load} \times 10 \text{ ft.} = 200 \text{ ,, } \\ 15\text{-ton load} \times 8 \text{ ft.} \quad . \quad . = 120 \text{ ,, } \\ \text{Total} \quad . \quad . \quad . \quad \underline{\underline{380 \text{ ,, } }} \end{array} \right.$$

As the beam is held in equilibrium by the reactions, the moments of all the forces about either of the points of support must be equal; thus the reaction R_1 , multiplied by 20 must equal the moments of the forces acting in a contra-clockwise direction, which have been found to be 380 ft. tons. That is

to say, the moment of the reaction R_1 must equal 380 ft. tons, and therefore the amount of this reaction is $380 \div 20 = 19$ tons.

To determine the point of no shear and consequently the point of maximum bending moment, work to the right along the beam from the left-hand support, deducting the loads from the amount of the reaction R_1 . Immediately before the 5-ton load is reached, the figures are $19 - 8 = 11$ tons. Then by deducting



the 5-ton load the shear is reduced to 6 tons. Before the 15-ton load is reached there is a further reduction of 4 tons, making the shear 2 tons; then if the 15-ton load is deducted the shear changes sign and amounts to -13 tons. Therefore the point at which the shear changes sign is immediately under the 15-ton load, and at this point consequently the maximum bending moment occurs.

To obtain the amount of the maximum bending moment at such point it will be necessary to take the moments about this point, of all the forces either on the right-hand or left-hand side of such point. As the left-hand reaction is known, take the moments of all the forces on the left-hand side of the 15-ton load. The distance from the left-hand support to the point in question is 12 ft., and from the 5-ton load to such point is 4 ft. The statement of moments is as follows:—

Clockwise moment $R_1 \times 12$. . .		$= 19 \times 12 = 228$ ft. tons.
Contra-clockwise moments	{ 12-ton distributed load $\times 6$. . .	$= 12 \times 6 = 72$ ft. tons
	{ 5-ton load $\times 4$. . .	$= 5 \times 4 = 20$ „ „
	Total . . .	$\underline{92}$ „ „

Deducting the lesser sum of moments from the greater, the result is $228 - 92 = 136$ ft. tons = 1,632 in. tons, which is the maximum bending moment required to be resisted by the material of the beam. If the bending moment is divided by $7\frac{1}{2}$, which is the safe stress of steel in tons per square inch, the result will be the combined section moduli of the beams required. This figure is $1,632 \div 7.5 = 217.6$. As two beams are to be used, the section modulus of each must not be less than $217.6 \div 2 = 108.8$. The nearest rolled section of sufficient strength is an 18 in. $\times$ 7 in. by 75 lbs. joist, which will be found from a steel-section book to have a section modulus of about 127.74. Thus two joists of this section will be required to resist the loads shown. The question of deflection may sometimes require to be considered, but in this case it is evident that the joists are of ample stiffness. The two joists should of course be connected together by distance pieces.

The cumbersome statements of positive and negative, or, as they are here termed, clockwise and contra-clockwise moments, are of course never put on

paper in practice, but they are of considerable value in illustrating step by step the process of calculation.

Determination of Least Radius of Gyration.

Basis of Column Calculations. The strength of a column or stanchion, whether calculated by a formula or determined by means of the tables given in the 1909 General Powers Act, depends upon the length of the member, the least radius of gyration of its section about an axis through its centre of gravity, the manner in which it is fixed at the ends, the amount of its sectional area, and the strength of the material of which it is composed. Calculations for determining any of these factors are, except in one case, of a comparatively simple character. The exception occurs as regards calculations for the purpose of determining the least radius of gyration of the section. Where simple rolled sections are used no calculations are of course necessary. The radii of gyration and other properties of sections in common use are given in the section books issued by the various manufacturers. Also circular sections can be easily dealt with. The radius of gyration of a solid column is $\frac{\text{diameter}}{4}$, and that

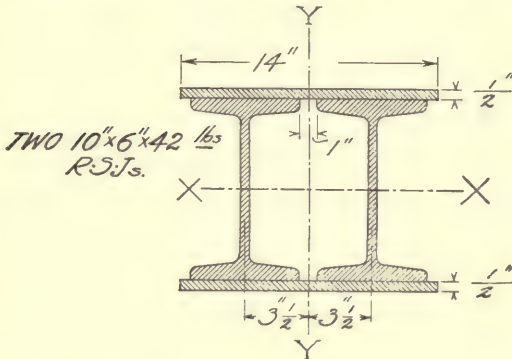
of a hollow column is $\sqrt{\frac{\text{external radius}^2 + \text{internal radius}^2}{4}}$. But where built-up sections are used it is often necessary to work out the least radius of gyration from first principles.

Before commencing any calculations for determining the radius of gyration of a built-up stanchion, it is desirable to consider the shape of the section with the view of ascertaining about which axis the least radius of gyration is likely to occur. This will depend upon the general distribution of the material of the section. The least radius of gyration will occur with regard to that axis about which the material of the section is most closely collected. Material spread out a considerable distance away from the centre of gravity of a section tends to create a large radius of gyration about an axis parallel to the line of general distribution of such material. It will usually be possible to determine by inspection the axis about which the least radius of gyration occurs. If, however, this is not possible, it will be necessary to determine by means of calculations about which axis the least moment of inertia occurs. When this has been determined, the radius of gyration about such axis may be commenced to be calculated, for the least radius of gyration of a section invariably occurs about the same axis as the least moment of inertia.

Moment of Inertia of Built-up Section. The radius of gyration is calculated in practice by dividing the moment of inertia by the area of the section and extracting the square root of the result. By far the greater part of the labour involved in calculating the least radius of gyration of a section is taken up in determining the least moment of inertia. Two mathematical rules are required to be applied in calculating the moment of inertia of a built-up section. The first is that the moment of inertia of any rectangular section about a given axis is $\frac{bd^3}{12}$ when b equals the breadth of the section measured

parallel to such axis, and d equals the depth measured at right angles to such axis. The second rule is that the moment of inertia of a section, about an axis parallel to an axis through its centre of gravity, may be calculated by adding to the moment of inertia of the section about the axis through its centre of gravity, a figure obtained by multiplying the area of the section by the square of the distance between the two axes.

Calculation of Least Radius of Gyration. The methods to be adopted in calculating the least radius of gyration of a built-up stanchion will be illustrated in connection with the typical section shown in the accompanying diagram. It is obvious from inspection that the least radius of gyration will occur about the axis YY , for the centre of gravity of the material distributed in a line parallel to such axis is distant only $3\frac{1}{2}$ ins. from the axis, whereas the centre



of gravity of the material distributed in a line parallel to the axis XX is about 5 ins. from such axis.

It will first be required to calculate the moment of inertia of the section about the axis YY . As the two $\frac{1}{2}$ -in. plates are symmetrically placed with regard to this axis, they may be calculated direct about such axis by means of the rule that the moment of inertia of a rectangular figure equals $\frac{bd^3}{12}$.

The moment of inertia of one plate about the axis YY is thus $\frac{1}{2} \times 14 \times 14 \times 14 \div 12 = 114.33$. The moment of inertia of the other plate being the same, the moment of inertia of the two plates is 228.66. The next thing to consider is the moment of inertia of the joists. The moment of inertia of a 10 in. by 6 in. by 42 lbs. joist about an axis passing through the centre of its web will be found, from a steel section book, to be about 22.95. The area of such a joist will be similarly found to be 12.35 sq. ins. The distance of the axis through the centre of the web to the axis YY is 3.5 ins. Therefore, by applying the second rule which has been given, the moment of inertia of one of the 10 in. $\times$ 6 in. $\times$ 42.16 lbs. joists about the axis YY is $22.95 + (12.35 \times 3.5 \times 3.5) = 174.2375$. As there are two joists the moment of inertia of the two joists is 348.475. Thus the following tabulation is obtained:—

Moment of inertia of plates about axis YY	= 228.66
Moment of inertia of joists about axis YY	= 348.475
Moment of inertia of whole section about axis YY	= <u>577.135</u>

The radius of gyration is equal to $\sqrt{\frac{I}{A}}$ when I represents the moment

inertia and A the area of the section. The sectional area of the built-up stanchion is:—

Sectional area of plates $2 \times 14 \text{ ins.} \times \frac{1}{2} \text{ ins.}$	= 14.0 sq. ins.
Sectional area of joists $2 \times 12.35 \text{ ins.}$	= 24.7 „
Total sectional area of stanchion	<u>38.7 „</u>

The least radius of gyration is thus $\sqrt{\frac{577.135}{38.7}} = 3.86 \text{ ins.}$

It will be noted that no deduction has been made for rivet holes, as is necessary when the finding of the moment of inertia is a step in the calculation of the section modulus. The deduction of rivet holes in the calculation of the radius of gyration does not very materially affect the result, for deductions must be made in calculating both the moment of inertia and the area of the section, and such deductions tend to balance one another.

Calculating Strength of Stanchion. Once the least radius of gyration is known, it is a very easy matter by using the tables given in the London County Council (General Powers) Act, 1909, to calculate the maximum safe load which can be carried by a stanchion. For instance, let it be assumed that the built-up section of which the radius of gyration has just been ascertained has a length of 18 ft., is secured at the ends in such a manner that it may be considered to be fixed at one end and hinged at the other, and that it is desired to know what is the maximum load that it can safely bear.

The ratio of length to least radius of gyration is $\frac{18 \times 12}{3.86} =$ approximately 56.

The Act provides that the working stress upon a steel pillar having one end fixed and one end hinged is 4.0 tons per sq. in. if the ratio of length to least radius of gyration is 60, and 4.5 tons per sq. in. if this ratio is 40. The increase of stress from the 60 to the 40 ratio is thus .5 tons per sq. in. Taking advantage of the provision of the Act which allows proportionate working stress to be adopted for ratios intermediate between those given, and adding that proportion of .5 tons per sq. in. by which the stress of a 56 ratio is entitled to exceed the stress of a 60 ratio, the safe load per sq. in.

which can be carried by the built-up stanchion is $4 + \frac{.5 \times 4}{20} = 4.1$ tons per sq. in. As the area of the section is 38.7, the total safe load able to be borne is $38.7 \times 4.1 = 158.67$ tons.

Increased Stress due to Eccentric Loading.

Eccentric Loading of Columns. A column or stanchion may be said, correctly speaking, to be eccentrically loaded in any case when the load is not imposed directly in a line with the longitudinal axis of the member and the effect of such non-axial load is not counteracted by a similar load on the other side of the member. It is not customary in practice, however, to take notice of any very slight eccentricity of loading. There is no definition of the expression "eccentrically loaded" in the London County Council (General

588 Powers) Act, 1909, but it may be presumed that in this and other similar cases the interpretation must be governed by current practice.

Effect of Eccentric Loading. Where a column is eccentrically loaded, the material of the column, in addition to being subject to direct compression due to the load when considered as axially imposed, is also required to resist a bending moment due to the eccentricity of the load, which bending moment induces both compressive and tensile stresses in the material of the member. In many cases the column is called upon to carry an axial load in addition to the eccentric load. There is for every column a limiting unit stress which depends upon its ratio of length to least radius of gyration, its method of fixing at the ends, and the material of which it is composed. Such stresses as regards columns and stanchions of iron and steel are given in tabular
591 }
592 } form in the London County Council (General Powers) Act, 1909. Two operations are necessitated in the process of calculating the stress in an eccentrically-loaded column. It is necessary in the first place to consider the eccentric load as axially imposed and to add to such load any real axial load which the column may carry, and divide the sum by the sectional area of the column in square inches. The result will be the compressive stress per sq. in. due to all loads considered as axially imposed. Secondly, the compressive stress per sq. in. occasioned by the bending moment due to the eccentric load must be computed and added to the stress previously obtained, and the total stress per sq. in. must not exceed the safe working stress on the column.

Stresses Due to Eccentric Loading. The stresses occasioned by the eccentricity of a load are often determined by using some formula by which it is possible approximately to compute what is termed an equivalent axial load in the place of the eccentric load. The calculations may then be conducted in the manner customary in the case of an ordinary axial load. But the use of
592 } such formulæ is apparently not contemplated by the Act of 1909, for the stresses due to the direct load and to the eccentric load are required to be added together. The stress per unit of area due to an axial load, or to an eccentric load considered as an axial load, is obtained by dividing the *load* by the *sectional area* of the column. The stress due to eccentric loading is determined by dividing the *bending moment* by the *section modulus* of the column. The method to be adopted in determining the bending moment depends on whether the column is fixed at the base only, or, as is customary, is held at top and bottom. In the first case the bending moment is obtained by multiplying the load by the distance between its line of action and the centre of gravity of the column. Thus, in the diagram (1) on page 171 the bending moment is the load W multiplied by the distance x . When a column is held at both ends, as shown in diagram (2), the determination of the bending moment is a rather difficult process if the column is considered as rigidly fixed at both ends. But if the column is treated as being hinged at the ends the method to be adopted is comparatively simple. On this assumption it is probable that the stresses obtained are somewhat greater than those which occur in practice, but it is reasonable when dealing with columns subjected to heavy eccentric loads to allow a good margin of safety.

Considering the column shown in diagram (2) as hinged at the ends, the

method of obtaining the bending moment is based on the following reasoning: The weight W and the reaction R at the base of the stanchion constitute a couple and tend to make the column rotate in a clockwise direction. The column, however, is held in position by the resistance offered by its connections at top and bottom as shown by the arrows R^T and R^B , representing the forces which tend to rotate the column in a contra-clockwise direction. Just as the forces W and R are equal, and constitute a couple, so the forces R^T and R^B are equal and constitute a couple, and, as the column is held in equilibrium, the moments of the two sets of forces are equal to one another. The moment of a couple is the product of one of the forces by the length of the arm. Thus in diagram (2) the force W multiplied by the distance x equals either one of the forces R^T or R^B multiplied by the distance L . The amount of the force R^B is thus equal to $\frac{Wx}{L}$. Upon the amount of this force being known it is possible

to calculate the maximum bending moment due to the eccentric load, which is $R^B \times y$.

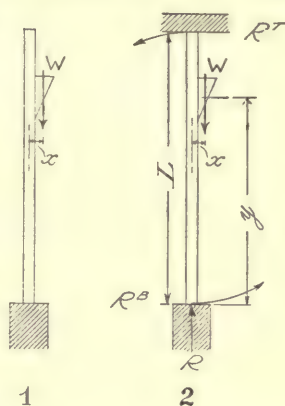
Example of an Eccentrically-loaded Stanchion. A proposed stanchion consisting of a 10 in. by 8 in. by 70 lbs. I section 18 ft. long, held at top and bottom, bears an axial load of 30 tons and an eccentric load of 5 tons carried by a bracket fixed to one of the flanges. The distance of the point of imposition of the load from the flange is 7 ins., and the vertical distance from the base of the stanchion to the centre of the connection of the bracket is 12 ft. It is desired to ascertain whether the stanchion, if considered, as regards its resistance to the axial load, to have one end hinged and one end fixed, is of sufficient strength.

The least radius of gyration of a 10 in. by 8 in. by 70 lbs. I section is 1.86, so the ratio of length to least radius of gyration of the section is $\frac{18 \times 12}{1.86} =$

approximately 116. As from the table given in the 1909 Act the safe working stress of a steel stanchion having one end hinged and one end fixed is 2.5 tons per sq. in. if the ratio of length to least radius of gyration is 120, and is 3.0 when this ratio is 100, the safe working stress of the 10 in. by 8 in. stanchion in the present case is $2.5 + \frac{.5 \times 4}{20} = 2.6$ tons per sq. in. It is necessary, there-

fore, that the total stress per sq. in. due to the axial and eccentric loads shall not exceed this figure.

Dealing first with the stress due to the direct load, the sectional area of the stanchion is 20.6 sq. ins. The total direct load is the axial load of 30 tons, and the eccentric load, which must for the moment be considered as an axial load, of 5 tons. The sum of these two is 35 tons. The stress due to the direct load is thus $\frac{35}{20.6} =$ approximately 1.699 tons per sq. in.



Dealing next with the stress due to the eccentricity of the load of 5 tons, the distance of the point of imposition of the load from the centre of gravity of the stanchion is $7 + \frac{10}{2} = 12$ ins. The moment of the load tending to rotate the stanchion in a clockwise direction is therefore $5 \times 12 = 60$ inch-tons. The force at the foot of the stanchion which tends to prevent rotation has an amount of $\frac{60}{18 \times 12} =$ approximately .28 tons. As the bracket by which the eccentric load is transmitted to the stanchion is 12 ft. from the base, the maximum bending moment is .28 by 12 = 3.36 ft. tons = 40.32 inch-tons. The section modulus of a 10 in. by 8 in. by 70 lbs. I section about an axis parallel to the flange is 69.01. The stress due to the eccentricity of the 5-ton load is thus $\frac{40.32}{69.01} =$ approximately .584 ton per sq. in. The total stress on the stanchion is therefore $1.699 + .584 = 2.283$ tons per sq. in. As this is less than the allowable working stress, the stanchion is of sufficient strength.

It is very important to notice that, if the bracket bearing the eccentric load were attached to the *web* and not to the *flange*, the stress per unit of area due to eccentric loading would be greater, although the eccentricity of the load would be less; for the section modulus to be taken in calculating the stress due to the bending moment would in such case be that about an axis parallel to the web, the value being only 17.9 as compared with 69.01.

Principal Law Cases.¹

(Those referred to in text of Division IV. have page references in the margin.)

Notice and Payment of Fees to District Surveyors.

	Q. B. 1884	. . .	M.B.W. v. Lathey	49 J. P. 245
105	Q. B. 1897	. . .	Venner v. McDonell	(1897) 1 Q. B. 421.
	K. B. 1901	. . .	Whitechapel Board of Works v. Crow	84 L. T. 595.
147	K. B. 1902	. . .	City of Westminster v. Watson and Others	(1902) 2 K. B. 717.
	K. B. 1903	. . .	Charing Cross and Strand Electricity Supply Co. v. Woodthorpe	88 L. T. 772.
105	K. B. 1903	. . .	Handover v. Meeson	67 J. P. 313
105	K. B. 1908	. . .	County of London Electric Supply Co. v. Perkins	72 J. P. 133, and 4 A. L. R. 77.
105	K. B. 1909	. . .	Moran & Son v. Marsland	(1909) 1 K. B. 744.
106	K. B. 1909	. . .	L.C.C. v. District Surveyors' Association and Willis	(1909) 2 K. B. 138.
106	K. B. 1910	. . .	Galbraith Bros. v. Dicksee	102 L. T. 890.

Question of Party or External Wall.

119	Ch. A. 1873	. . .	Weston v. Arnold (provincial case).	8 Ch. A. 1084.
	Ch. 1879	. . .	Knight v. Pursell	11 Ch. D. 412.
119	Q. B. 1890	. . .	Williams v. Bull	Times, Feb. 15, 1890.

¹ For meaning of abbreviations, see page 63.

Q. B. 1896	Drury v. The Army and Navy Auxiliary Co.	(1896) 2 Q. B. 271.	119
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Construction of Flues against Party Structures.

Ch. 1897	Aerated Bread Co. v. Shepherd	Builder, March 27th, 1897.	
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Reconstruction of Party Wall.

Q. B. (C. A.) 1895	Crow v. Redhouse	59 J. P. 663.	130
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Covering of Roofs.

Q. B. 1891	Payne v. Wright	(1892) 1 Q. B. 104.	124
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Arches under Public Ways.

K. B. 1901	Whitechapel Board of Works v. Crow	84 L. T. 595.	
K. B. 1903	Charing Cross and Strand Electricity Supply Co. v. Woodthorpe	88 L. T. 772.	
K. B. 1908	County of London Electric Supply Co. v. Perkins	72 J. P. 133, and 4 A. L. R. 77.	105

Uniting of Buildings.

Q. B. 1894	Holland and Another v. Wallen	70 L. T. 376.	
K. B. 1903	Goodchild v. Matthews	89 L. T. 369.	

Construction of Buildings over 1,000 Sq. Ft. in Area, used partly for Trade and partly as Dwelling-house.

Q. B. 1899	Carritt v. Godson and Son	(1899) 2 Q. B. 193.	131
K. B. (C. A.) 1901	Dicksee v. Hoskins	(1901) 2 K. B. 660.	131

Sub-division of Buildings of the Warehouse Class.

Q. B. 1896	Drury v. The Army and Navy Auxiliary Co.	(1896) 2 Q. B. 271.	119
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Construction of Public Buildings.

Q. B. 1864	Reg. v. Carruthers	9 L. T. 825.	135
Q. B. 1897	Venner v. McDonell	(1897) 1 Q. B. 421.	105
Q. B. 1901	Moses v. Marsland	(1901) 1 K. B. 668.	
K. B. 1903	Handover v. Meeson	67 J. P. 313.	105

Places of Public Resort.

K. B. 1901	St. James' Hall Co. v. L.C.C.	(1901) 2 K. B. 250.	142
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Temporary Buildings and Wooden Structures.

Q. B. 1891	L.C.C. v. Candler	55 J. P. 679.	
Q. B. 1892	L.C.C. v. Pearce	(1892) 2 Q. B. 109.	
Q. B. 1894	L.C.C. v. Humphreys, Ltd.	(1894) 2 Q. B. 755.	147
Q. B. 1899	Elliott v. L.C.C.	(1899) 2 Q. B. 277.	147
K. B. 1901	City of Westminster v. L.C.C.	(1902) 1 K. B. 326.	146
K. B. 1902	City of Westminster v. Watson and Others	(1902) 2 K. B. 717.	147

DIVISION V

PROVISIONS AFFECTING BOTH NEW AND EXISTING BUILDINGS

CHAPTER 13

DANGEROUS AND NEGLECTED STRUCTURES AND SKYSIGNS

Dangerous Structures.

489 THE definition of "structure" contained in section 102 of the 1894 Building Act—the only instance in which this term is defined in the Act—applies only to Part IX. of the Act, which has reference to dangerous and neglected structures. Although the wording of this definition is fairly wide, it appears probable that certain aggregations or collections of material, such as timber stacks, would be held not to come within the scope of a definition which "includes any building, wall, or other structure, and anything affixed to or projecting from any building, wall, or other structure."

Routine Procedure. In order clearly to understand the scope of the provisions of this Part of the 1894 Building Act, the routine procedure which the County Council are required to adopt in the case of dangerous structures must first be considered, and in this connection it should be noted that in the
489 City, the City Corporation, who have succeeded to the duties of the old Com-
529 missioners of Sewers, exercise control, and have exactly the same powers and must follow exactly the same routine as the County Council are required to do throughout the rest of London. Anyone may notify the Council that a structure is in a dangerous state, and the Council must then require a survey of the structure to be made by the district surveyor or some other competent surveyor. Throughout Part IX. of the 1894 Act the term "district surveyor" includes any surveyor thus instructed to survey. The County Council make it a practically invariable custom to require surveys of dangerous structures to be made by the local district surveyor, but the City authorities are accustomed to appoint a surveyor in private practice. The district surveyor often notifies the Council of the existence of alleged dangerous structures, for it is his duty under the Act to make known to the Council any information which he may receive with regard to a dangerous structure. The ordinary routine is, however, of necessity followed, and he therefore receives the official request for survey and for the issue of his certificate.

Upon the completion of his survey the district surveyor is required to 489
 certify to the Council his opinion as to the state of the structure. If his
 certificate is to the effect that the structure is not in a dangerous state, no further
 proceedings are to be taken, but if he certifies that it is dangerous, the Council
 may cause it to be shored up or otherwise secured, and a proper hoard or
 fence put up for the protection of passengers—note that the hoarding must be
 for the purpose stated—and the Council must cause a notice to be served on the
 owner or occupier of the structure requiring him “forthwith to take down,
 secure, or repair the same as the case requires.” If shoring or hoarding is
 necessary this is often included as one of the requisitions of the notice, in order
 to give the owner an opportunity of doing it himself, but if this work is not
 put in hand within a reasonable time it is executed by the Council’s contractors.
 In very urgent cases this work is executed by such contractors without any delay.
 Although either the owner or occupier may be served with a dangerous structure
 notice, the Council make it a general practice to serve both owner and occupier
 with a notice. But as the owner is the person referred to in the sections
 which deal with the taking of proceedings by the Council, and the recovery of
 expenses incurred, it will be seen that the occupier, if he is merely an occupier
 and not an “owner” within the meaning of the very wide definition given in
 section 5 (29) of the Act, need not be very much troubled at the receipt of a 456
 notice. It will suffice if he promptly forwards the notice to his landlord.

Arbitration. Within 7 days from the receipt of a notice from the 490
 Council, an owner who disputes the necessity of any of the requisitions of the
 notice may give a notice in writing to the Council requiring that the subject
 be referred to arbitration. He should at the same time appoint an independent
 surveyor to report on the structure in conjunction with the district surveyor.
 The report of the two surveyors is required to be made within 7 days of the
 Council’s receipt of the notice of appointment of the independent surveyor. If
 all questions of fact or matters in dispute cannot be thus agreed upon, they
 are to be referred to a third surveyor, who, prior to the discussion of the
 details of the case, must be appointed as arbitrator by the two surveyors, or,
 if they cannot agree as to this appointment, by a police Court magistrate on
 the application of either surveyor. This third surveyor must make his award
 within 14 days—apparently from the date on which the matter is referred to
 him, although this is not made too clear either in the Act itself, or in the
 case (*London County Council v. Bernstein*, 1897, 61 J. P. 630) in which the
 routine to be observed was specially explained. Despite the right of an owner
 to refer a case to arbitration, a police Court magistrate, if the structure is so
 dangerous as to require immediate treatment, may make such order as to the
 remedying of the structure as he may think fit.

In any case of arbitration it is provided by section 107 (4) that, unless the
 arbitrator otherwise directs, the costs of the whole arbitration proceedings are
 to be borne by the Council if the contention of the owner’s surveyor is upheld,
 and by the owner if the contention of the district surveyor is upheld.

The right of reference to arbitration is a very valuable one, and it is
 surprising that owners do not avail themselves of it more frequently. The
 district surveyor after all merely certifies his opinion in accordance with the

terms of section 105, and it is only reasonable to suppose that cases occur in which the district surveyor takes an alarmist view of the situation, and that there are still more instances in which the requisitions of the Council, based on the district surveyor's report, from the latter's excusable zeal to obtain a satisfactory result, go considerably beyond what is necessary to render the structure secure. In such instances, reference to arbitration, if coupled with the appointment of a competent independent surveyor, may very well result, if not in the conclusion that the structure is practically "not dangerous," at least in a considerable reduction of the works required to be executed, and a corresponding saving in expense. The Council themselves recognise the value of arbitration in disputed dangerous structures cases, for I have known a notice of arbitration accepted some little time after the expiration of the statutory 7 days, but it is, of course, most desirable to give notice well within the legal limit of time.

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Police Court Proceedings. If no notice of arbitration is given, and if the works required by the Council's notice are not executed or put in hand within a reasonable period of time, a summons is taken out with a view to bringing the case before a magistrate. The time allowed before this step is taken depends very much upon the discretion of the district surveyor, whose certificate usually contains a statement as to the approximate period, from 7 to 21 days in ordinary cases, which he considers reasonable for the proper execution of the works. On the expiration of this period he is asked by the Council to report progress. If the structure was in the first instance in such a state as to require immediate shoring, and in consequence of such work has been rendered temporarily secure, further time will probably be allowed. Even where no shoring has been executed, if the contract for the work is in course of being signed, and there are no evidences that an increase of danger has occurred, resort will probably not be made to the course of taking out a summons. If a summons has been taken out and still further and further time is allowed for carrying out the work, this is not altogether an unmixed blessing in the case of small and unimportant structures. As may be seen from the Third Schedule of the 1894 Act, such continued adjournments cause an increase in the expenses, and the Council's charges, though usually only a matter of a pound or more, have sometimes been known to exceed the expense of remedying the dangerous structure. It should be noted also that the Council have power to charge all expenses incurred, not only where a summons is taken out, but also where the works required by the notice are immediately put in hand, and such power is exercised in all ordinary cases.

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If, after a summons has been taken out, the necessary works are not executed, and there are no signs that the owner is making any serious attempts to comply with the notice, or if, although arrangements are being made, the structure is particularly dangerous, the Council will apply at the police Court, and the magistrate, if he considers the case proved, will make an order requiring the owner to take down, repair, or otherwise secure the structure, or such portion of it as appears to the magistrate to be dangerous, within a stated time. Should the work not be executed at the expiration of such time, and there be no evidence that it is proposed to be done shortly,

the Council will exercise their power, and will do the work themselves and subsequently recover expenses.

Generally speaking, in most cases of dispute, reference to arbitration will be found the most satisfactory course to adopt, but should a case arise where it appears that the district surveyor has condemned a structure which nine surveyors out of ten would consider safe and secure, it may be preferable to await the issue of the summons and contest the case in the police Court. It will certainly be the cheaper course for the owner to adopt, for arbitration in such an instance would clearly demand the services of both independent surveyor and arbitrator, and where it is simply a case of dangerous or not dangerous, an experienced magistrate, by weighing up the evidence, and also—a very important point—taking into consideration the amount of care which has been expended on the case by either side in obtaining particulars of the condition of the structure, will be able to arrive at a very good conclusion of the facts of the case.

It occasionally happens that a structure is dangerous to its inmates, and in such a case, under the provisions of section 114 of the Act, if the district surveyor certifies to this effect, a magistrate, on application being made by the Council, may order the inmates to be removed. Cases where this action has to be taken are not, however, of very frequent occurrence. 491

An Important Case. It is worthy of note that in the case of *London County Council v. Herring* [(1894) 2 Q. B. 522] it was held that if a structure were dangerous to *any person* it could be dealt with under provisions of the Metropolitan Building Act, 1855 which were similar to those of the present Act.

Expenses. As has been already mentioned, expenses are recoverable by the Council in the case of all dangerous structure proceedings, and the amount of expenses likely to be due in any particular case may be ascertained by a perusal of Parts II. and IV. of the Third Schedule of the 1894 Act. Where shoring or hoarding is necessary, and the work is executed by the Council, this of course adds considerably to the expenses charged by the Council, and if there is also the cost of the work of pulling down under a magistrate's order, the Council's bill for services rendered may be rather a high one. In order to ensure that the ratepayers may be protected from loss, the Council have power, when expenses incurred under dangerous structure proceedings cannot be recovered, either to sell the structure after having given 3 months' notice of their intention, or to obtain from a magistrate an order prohibiting the use of the structure, or, if it has been pulled down, the erection of a building upon the land on which the structure stood, until the expenses are paid. A register of such orders is kept at the County Hall, and is open to inspection during office hours. 522 490 491

Kinds of Dangerous Structures. On an average the County Council deal with some four thousand dangerous structures during the course of a year. It is thus seen that the administration of Part IX. of the 1894 Act is by no means neglected. Whether, if the Council held its hand for a year, the full of four thousand or half that number of structures would occur during that period is perhaps rather problematical. But, despite the administrative activity displayed, collapses do occur, particularly in the case of cornices or parapets where the bonding of the brickwork or masonry is defective. These

constitute some of the most common types of dangerous structures, but cracked, bulged, or overhanging external and party walls, chimney breasts of very loose and defective brickwork, chimney stacks badly out of upright, and boundary walls apparently on the verge of overturning, are dealt with almost every week. As regards low boundary walls, unless there has been recent movement, the danger is often more apparent than real. Lack of verticality is often due to settlement of the foundations, which movement may have entirely ceased. Walls of this class when condemned to be pulled down as dangerous have been known to demand the violent exertions of three or four workmen armed with crowbars before they were dislodged from their apparently insecure position. Of course there are many other forms of structures which become dangerous: sunken roofs, loose tiles or slates, and bulged or dropping ceilings are often met with. I have known the floor boards of the lowest floor of a building to be condemned, but this possibly goes beyond the provisions of the Act. The Act deals with structures in a dangerous state which can be remedied by being taken down, repaired, or otherwise secured, and the words "take down" suggest a structure which is liable to fall and cause injury. A guard rail of such a character that if it fell it would injure no one directly, but yet would create danger by leaving, for instance, a sunk area unprotected, is an interesting case. Here if a notice were served in the full terms of the Act, compliance with the first requirement of the notice, *i.e.*, to take down the structure, would certainly not remove the danger. There seems to be some doubt as to whether the provisions of Part IX. of the Act apply to a case of this character. But such a case is not of very frequent occurrence.

What is a Dangerous Structure ? This will naturally be the question asked by anyone who desires to obtain a practical knowledge of the subject. But it is quite impossible to lay down any general rule.

Taking a common everyday case of a wall which is bulged or out of upright and whose condition is a matter of concern, the extent of the bulge, or of the lack of verticality, is indeed the obvious point which demands investigation, but it is certainly not the only, nor even often the most important, of the many considerations which must receive attention. The number and position of the return walls, and more particularly the character of the bonding of the wall in question to such return walls, must be specially considered. Then the quality of the brickwork of which the wall is constructed must be investigated; its thickness is also a decided element in the case; what would be dangerous in a 9 in. wall might not be in any way alarming if the wall were 18 ins. thick. Notice should also be taken of the foundation of the wall, and above all an endeavour should be made to ascertain, by means of a close search for tell-tale evidences in the forms of fresh cracks or indications of failure or settlement, whether there has been any recent movement. Lack of verticality in a wall is only one of many factors which may go to produce a state of danger. As an example, if the front wall of a three or four story building were 3 ins. out of upright, and yet was of thoroughly sound brickwork, at least $13\frac{1}{2}$ ins. thick at the base, well bonded into return walls, and there was no indication of recent movement, such wall

could not reasonably be considered to be in a dangerous state. Ten years would be a very low estimate to put upon its chance of existence in full stability. But, if the brickwork and the bonding with the return walls was very defective, and the foundations weak, very much less than 3 ins. out of upright might signify danger, and the case would be still more serious if in addition the mortar had lost its "life" and there were indications of recent settlement or other movement.

The previous remarks apply to practically every investigation of the state of an alleged dangerous structure. There are always several factors demanding consideration, and the least obvious to the non-technical mind are often the most important. As regards walls bulged in the middle, this defect is often comparatively trivial. In many old buildings bond timbers were used on the inside of the walls. These have often shrunk, with the result that the inner face of the wall has become of a slightly less height than the outside face, and hence a bulge has resulted. This can be seen in the case of many hundreds or even thousands of houses in London, but a bulge occasioned in this way is not usually a serious matter.

The Remedying of Dangerous Structures. It will be remembered that the statutory notice to be served on the owner of a dangerous structure is for the purpose of requiring him to "take down, secure, or repair" such structure. The wording in the section dealing with the making of a magistrate's order is slightly different, it being in such case "to take down, repair, or otherwise secure." But from the wording of both these cases it would appear that the Act allows the owner three alternatives. Generally the Council's notices follow the full wording of the Act, but sometimes the terse requirement "take down the structure" is adopted. The question whether the Council are within their rights in giving no option of securing or repairing is one on which it might be desirable to obtain legal opinion if in an important case it should appear that repairs could be satisfactorily carried out.

But usually the option is given and, in at least nine cases out of ten, works of repair are both possible and desirable. It must be remembered that, just as the district surveyor cannot condemn a building because it is likely to become dangerous—it must be in a dangerous state at the actual time of his survey—so also it would seem that he has no power to object to the character of the repairs proposed to be executed to remedy the danger, on the plea that danger may again occur at some indefinite future time. Shoring is indeed recognised as merely a temporary expedient, although if the length of the building lease of premises condemned as dangerous were able to be reckoned rather in terms of months than years, it is possible that the Council, or, if the case went to the police Court, the magistrate, would be willing to accept sound and substantial shoring as a sufficient compliance with the Act, having regard to the short life of the building. But although shoring cannot usually be considered a compliance with a dangerous structure notice, there are many other ways in which a dangerous structure may be remedied without having recourse to the drastic action of demolition. Works of ordinary repair, or the rebuilding of the most seriously affected parts, will often be sufficient, though in the case of serious settlement, a satisfactory remedy, short of underpinning the dangerous

walls and constructing a new foundation, will rarely be possible. In the case of bulged and overhanging walls, the insertion of iron ties at the junction of return walls, or the provision of plates on the face of the wall, connected by iron tie rods to a wall or other substantial feature on the opposite side of the building, will often meet the case. These latter may not be ideal measures, but they have often been accepted by district surveyors, and if the danger is removed I do not see what statutory grounds exist for objecting to any such construction. In a case where a building lease has but a few years to run, and where, if the defects in the building are due entirely to the lapse of time, few works of restoration or repair can be required by the freeholder at the end of the lease, the architect or surveyor acting for the leaseholder is in duty bound, in the interests of his client, to adopt the most economical measures which may be possible to secure the building for the remaining term of the lease.

Neglected Structures.

491 The subject of neglected structures is one which may be dismissed in a few words. Section 115 of the Act of 1894 is to the effect that "where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation, or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood," a magistrate on complaint by the Council may order the owner "to take down or repair or rebuild such structure or any part thereof or to fence in the ground upon which it stands" within a limit of time to be fixed by the order. If the order is not obeyed the Council may do the required work and charge the owner with the expenses incurred. The Council, where expenses cannot be recovered, may put in force similar powers to those previously referred to in the case of dangerous structures for obtaining a magistrate's order prohibiting the use of the structure or the land.

These provisions with regard to neglected structures are not exercised very frequently, and hardly concern the ordinary owner except when for some reason a building remains unlet for several years and presents the woe-begone appearance customary in such circumstances. The Council in these cases, however, usually act in a very considerate manner.

Sky Signs.

494 Large signs of swinging letters or other devices were of fairly frequent occurrence in the early nineties, but the unsightliness of these structures, coupled with the risk of danger in a high wind, was responsible for the stringent and retrospective provisions contained in Part XII. of the 1894 Act. Under these provisions the licence for an existing sky sign was allowed to be 495 in force only at the most for a further period of six years, and by section 127 no new sky sign was allowed to be erected. The licences for sky signs existing at the commencement of the 1894 Act have long expired, and sky signs are now 497 unlawful. Under section 134 the proceedings to be taken for obtaining the removal of a sky sign are similar to those applying to structures which have

been certified to be in a dangerous state, except that the occupier of the premises is deemed to be the owner of the sky sign and that such "owner" has no right of arbitration. In the City the provisions of Part XII. of the 1894 Act dealing with sky signs are administered by the City Corporation. Powers of action outside the City under section 134 were transferred from the County Council to the Metropolitan Borough Councils by section 5 of the London Government Act, 1899. The County Council are, however, still able to take proceedings in default of action by the local Borough Council, but I am not aware that this has ever yet been done.

The definition of sky sign contained in section 125 is a very wide one and comprises "any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard, framework, or other support, wholly or in part upon, over, or above any building or structure, which or any part of which sky sign shall be visible against the sky from any point in any street or public way." But signs in certain positions on the premises of, and referring to the business of, a railway company, and signboards not exceeding 3 ft. in height securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof, do not come within the scope of the definition. It seems possible that under the strict letter of the Act, the common forms of signboards, 4 or 5 ft. in height, which are found fixed on the flat roofs of one-story projecting shops, and which may usually be seen against the sky from the carriage-way of the street, are "sky signs" as defined by section 125; but having regard to the number of such signs which exist and have existed for years in different parts of London, the question whether the local authority or the County Council would be successful in obtaining a conviction seems rather open to doubt.

CHAPTER 14

LAW AS REGARDS MEANS OF ESCAPE IN CASE OF FIRE

Factory and Workshop Acts.

542 **The Factory and Workshop Act, 1901**, which applies not only in the metropolis but also throughout the whole of the British Isles, contains provisions under which the district council, whose position in London is taken by
551 the County Council, can require means of escape to be provided from factories and workshops, new or old, in which more than 40 persons are employed. Although the Act is of general application it seems unquestionable that in provincial towns, particularly the smaller ones, this portion of the Act has been administered in a much less stringent manner than in London.

545 **Certificate Cases.** Section 14 of the Act provides that every factory whose construction was not commenced before 1892, and every workshop whose construction was not commenced before 1896, in which, in either case, more than 40 persons are employed, must be furnished with a certificate from the local district council to the effect that the factory or workshop is provided with
"such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case." The certificate is required to specify in detail the means of escape provided. The question of
55 the distinction between a factory and a workshop was dealt with in Chapter 5.

Non-certificate Cases. It is also enacted that, as regards factories and workshops to which the above-mentioned provisions do not apply, and in which more than 40 persons are employed, it is the duty of the district council to ascertain whether any such factories and workshops in its district are provided with means of escape, and, in case a factory or workshop is not so provided, to serve on the owner a notice in writing specifying the measures necessary for providing the means of escape and requiring him to carry them out before a specified date.

In addition to dealing with "certificate" cases, the London County Council have enforced to a very considerable extent the retrospective provisions of the section. In such instance the Council have adopted the policy of not immediately serving a statutory notice, but of first issuing a letter containing "suggestions" of the works deemed to be necessary. An owner upon the receipt of a list of suggestions has the opportunity of making counter proposals, which, if he is advised by a capable architect or surveyor, may be acceptable to the Council, although the cost may be much less than that of carrying out the works originally suggested.

545 *Reference to Arbitration.* It is provided in section 14 (3) that when a

difference of opinion arises between the Council and the owner of a factory or workshop which is not a "certificate" case, the difference must be referred to arbitration upon application being made by either party within one month of the time when the difference arises. The provisions regulating the conduct of such an arbitration are set forth in a very detailed manner in the First Schedule of the Act. It is there provided that an arbitrator shall be appointed by each of the parties, and that the arbitrators, before entering on the matter before them, shall appoint an umpire to decide on points of difference. If they fail to do so the chairman of the Quarter Sessions within whose jurisdiction the factory or workshop is situate, upon the application of either party, shall appoint an umpire. The award in the arbitration is to be binding on the parties, and the notice of the Council is to be discharged, amended or confirmed in accordance with the award. 551 552

It is to be noted that the right of arbitration applies only as regards "non-certificate" cases, and, further, it appears that an owner who does not avail himself of this right prejudices his position as regards his ability to object to the Council's requirements. There seems an important distinction between the right of arbitration in this case and the exercise of such right in the case of a dangerous structure, where reference to arbitration appears to be optional on the part of the owner.

Laundries carried on in connection with industrial schools and charitable institutions were not originally subject to the general means of escape requirements of the Act of 1901. The Factory and Workshop Act, 1907, however, brought laundries within the general law with regard to factories and workshops. 579

Tenement Factories and Workshops. It is provided that for the purpose of section 14 the whole of a tenement factory or workshop is to be deemed one factory or workshop. The terms "tenement factory" and "tenement workshop" are defined in section 149 of the Act. It is stated "the expression 'tenement factory' means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building." The expression "tenement workshop" is defined to mean "any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier." 550

The importance of these provisions lies in the fact that the means of escape requirements of the Factory and Workshop Act, 1901, do not apply to premises in which the number of persons employed does not exceed 40. Thus premises, when considered as a tenement factory or workshop, may come within the scope of the means of escape provisions, while, if considered as several different factories or workshops, they will be outside the scope of such provisions on account of there not being more than 40 persons employed in each factory or workshop. Prior to the passing of the 1905 Amendment of the 553

Building Act the question of whether premises were or were not a tenement factory or workshop was often of the very highest importance. Now, however, as the Council can deal with any ordinary building in which more than 20 persons are employed the question is principally of interest from the administrative standpoint.

Scope of Factory and Workshop Acts. While all other Acts which deal with the provision of means of escape in case of fire have reference to buildings, the Factory and Workshop Acts have reference to factories and workshops—a distinction of very great importance. Cases often occur where only a portion of a building is a factory or workshop. In the case of *In re the London County Council and Lewis* (1900, 82 L. T. 195), where only the upper portion of a building was used as a factory in which more than 40 persons were employed, it was held that the owner could not be compelled to provide means of escape from the factory by erecting a staircase through the lower stories, as by so doing he would be committing a trespass. The decision in this case has prevented a large number of premises in the City and the neighbouring portions of the metropolis from being dealt with by the Council under the Factory and Workshop Act, but means of escape from many of these are now being required under the 1905 Amendment of the Building Act, under which Act the Council can deal with entire buildings.

On the other hand, in the case of *In re the London County Council and Tubbs* (1903, 68 J. P. 29), where an umpire had found that two houses, which were connected by a bridge, together constituted one factory, it was held that the umpire was entitled to arrive at this decision.

551 The definition of owner under the Factory and Workshop Act, 1901, is stated to be that contained in the Public Health Act, 1875. This definition is entirely different to that in the Building Act of 1894, but is very similar to that in the Metropolis Management Act, 1855, and in the 1905 Amendment of the Building Act.

12 The different definitions of "owner" which occur in the London building
559 law have already been quoted in Chapter 2. It should be noted that in the
559 Amendment Act of 1905 whenever reference is made to fees payable to district
559 surveyors, the term "owner" means the owner as defined in the Building Act
456 of 1894, and not the owner as defined in the Amendment Act.

London Building Acts (Amendment) Act, 1905.

558 **The Amendment Act of 1905** contains means of escape requirements
even more important than those of the Factory and Workshop Act, 1901.
558 The Act came into force on the 1st January, 1906. It should be noted that
the Act repeals the provisions of the Building Act of 1894 having reference to
571 escape from high buildings (section 63) and access to roofs (section 61, sub-
569 section 2), and substitutes a new schedule of fire-resisting materials for that
contained in the 1894 Act, which new schedule applies throughout the whole
584 of the Building Acts, and throughout Part III. of the General Powers Act,
588 1908, and Part IV. of the General Powers Act, 1909.

The Definitions in the Act are in a few but important instances different

from those in the Building Act of 1894. In all other cases the definitions of the 1894 Act apply. Reference has already been made to the definition of owner. The definition of **new building** goes very much further than that contained in the 1894 Act, and includes, in addition to buildings coming within the ordinary acceptance of the term, a building of which the cubical extent has been increased after the date of the commencement of the Act by an amount equal to the cubical extent previously existing, and also includes an existing building "which by reason of any alteration thereof or addition thereto becomes a high building" after the commencement of the Act. There are necessarily several definitions which do not exist in the main Act of 1894. **High building** means any building which has an "upper story," and **upper story** is defined as being any story the upper surface of the floor of which is more than 50 ft. "above the level of the footway (if any) immediately in front of the centre of the face of the building in which such story is situate, or (where there is no such footway) above the level of the ground before excavation." This wording is very confusing, for it is not clear whether the word "face" means the front of the building, or whether it means that particular face of the building in which the story under consideration is situated.

The case is certainly one for legal opinion. But if such opinion were to the effect that the word "face" referred to a particular face of a building, it would appear, in the case of a story extending through without a break from one face of a building to another, that there would still be a difficult question of fact as regards in which face the story was situated.

Plans are concisely defined as meaning plans, sections, and elevations. 559

Scope of the Act. The Act consists of 43 sections, but the chief provisions are contained in—

Section 7, which deals with new 20-person buildings and "high buildings." 559

Section 9, which deals with existing 20-person buildings and "high buildings." 561

Section 10, which deals with certain new and existing projecting shops. 562

Section 11, which deals with rooms over premises used for the storage of inflammable liquids. 562

Section 12, which deals with means of access to roofs from certain buildings. 563

Several sections have reference to the question of exemption. The premises of the Inns of Court, and of dock, railway, electric lighting, and gas companies are exempt from the operations of the Act, as also are bonded warehouses and certain buildings belonging to public wharfingers. Also, under the provisions of section 34, exemption applies to "any new or existing building used or intended to be used to the extent of not less than three-fourths of its cubical extent as a bank or insurance office, or partly for one and partly for the other of such purposes, by not more than two companies or firms" and used as regards the remainder of its extent only as a residence for or for providing sleeping accommodation for officers or servants of such companies or firms. There are other exemptive provisions, for which the text of the Act must be consulted, but the above-mentioned, particularly the one dealing with banks and insurance offices, are the most important. 567 568

559 **Escape from New Buildings.** Section 7 provides that every new building (except a dwelling-house occupied as such by not more than one family) which is—

(a) a “high building,” or

(b) “a building in which sleeping accommodation is provided for more than 20 persons, or which is occupied or constructed or adapted to be occupied by more than 20 persons, or in which more than 20 persons are employed, or which is constructed or adapted for the employment therein of more than 20 persons ”

must be provided in accordance with plans approved by the Council or (in the event of appeal) by the Tribunal “with all such means of escape therefrom in case of fire as can be reasonably required under the circumstances of the case.” The principles governing the providing of means of escape and the question of what may be considered to constitute reasonable requirements are dealt with in Chapter 15.

196 560 The owner of a building coming within the scope of the section is required before, or at the same time as, the building notice is served on the district surveyor to cause to be deposited at the County Hall a notice giving similar particulars together with a copy, “which may be a sun print or photographic reproduction on paper,” of the plans of the building, showing the means of escape to be provided. It is then lawful for the Council—

(1) at any time within one month (inclusive) after the deposit of the plans, or

(2) at any time within 2 months (inclusive) after the deposit of the plans, if this period of one month commences or expires on any day between the 1st of August and the 14th of September—approximately the time of the summer recess—

to refuse to approve the plans, or to approve them subject to conditions. The Council in giving notice to the applicant of a refusal or conditional approval are required to state fully all their reasons for such refusal or for the imposition of conditions as the case may be. The applicant seems entitled to receive a statement applicable only to his special case. A set formula will not apparently fulfil the requirements of the section. If within the above-mentioned limiting periods the Council do not give notice of their refusal or conditional approval of the plans, the plans are deemed to be approved unconditionally.

Although the section states that the plans are to be deposited before, or at the same time as, the building notice is served on the district surveyor, it was held in the case of *London County Council v. Spink and Son* [(1908) 2 K. B. 447] that delay in depositing the plans will not deprive the owner of his right to have the plans considered by the Council, nor of his right of appeal. In practice, however, it will often be desirable to deposit the plans at an early stage.

Issue of Certificate. No “upper story” in any “high building” and no part of a 20-person building may be occupied or let for occupation until the Council have issued a certificate or (in the event of an appeal) the Tribunal have determined that such building has been provided with means of escape in accordance with the plans approved by the Council or the Tribunal, and that

the conditions, if any, imposed have also been complied with. But if the Council, within 14 days after notice of completion has been given, do not notify the owner that the certificate is refused, and the grounds of such refusal, the certificate will be deemed to have been duly issued.

It should be noted that means of escape can be required from the upper stories only of high buildings if these are not also 20-person buildings. This is very definitely laid down in sub-section (4) of this section, but in practice there are few "high buildings" which are not also 20-person buildings. The previous sub-section deals with the case of a certified building in which, by reason of substantial addition or alteration, or in consequence of change of user, the risk of fire is substantially increased or the means of escape rendered substantially more difficult. In such a case the Council are empowered to deal with the building under section 9. One can easily imagine the occurrence of considerable difficulties in the interpretation of the words "substantial" and "substantially."

Appeal to the Tribunal is possible at any time within 2 months after the Council's refusal or conditional consent to the plans submitted, or the Council's refusal to issue a certificate, and in this most important section the right of appeal is a most valuable one, for, in very lofty buildings, such as blocks of flats or offices, the cost of a single staircase will run to many hundreds of pounds.

The Scope of Section 7 may at first sight appear to be clearly defined, but upon further consideration it will be seen that as regards 20-person buildings there is some little uncertainty as to the meaning of the word "occupied." This is not defined in any way, but presumably something more than a casual occupancy such as that of customers in a shop, or an audience in a concert-room, will be required to bring a building within the scope of the section. Should this be so, apparently such buildings as churches, concert and lecture rooms will not be affected by the provisions of this section nor by the complementary provisions of section 9 having reference to existing 20-person buildings. If the Act is to be read in this manner—a question on which the obtaining of legal opinion will be desirable in an important case—then buildings of this nature, if not licensed for music and dancing and consequently brought within the operation of the Council's regulations made under the Metropolis Management and Building Acts Amendment Act, 1878, are affected by no escape requirements other than those of section 80 of the Building Act of 1894 as to staircases and exits. It is, however, I believe, sometimes contended that the powers of the district surveyors under the provisions of section 78 of that Act, of which the marginal note is "construction of public buildings," apply not only to construction but also to the providing of satisfactory means of escape in case of fire. Section 78 existed in practically the same form in the Metropolitan Building Act, 1855, and if under these provisions the district surveyors possessed such wide powers with regard to means of escape in case of fire, the insertion in the 1894 Building Act of the entirely new "staircase and exit" provisions of section 80 would appear to have been entirely unnecessary and confusing. It therefore seems that these powers did not and do not exist.

561 **Escape from Existing Buildings.** Section 9 of the 1905 Act applies to existing "high" and 20-person buildings. The doubt as to the proper construction of the term "occupied" is again present. Where the Council are of opinion that any existing "high" or 20-person building is not provided with proper means of escape in case of fire they may serve a notice on the owner requiring him to provide "such means of escape as can be reasonably required under the circumstances of the case." Before giving a statutory notice, it, however, has been the Council's usual practice to send a list of their requirements in the form of a letter inviting suggestions. The owner at any time within 21 days from the service of the notice has the option of submitting alternative proposals. In the case of a "high building" which is not a 20-person building, means of escape cannot be required to be provided from stories which are not "upper stories."

565 **Appeal** to the Tribunal is possible at any time within 2 months from the date of the service of a notice by the Council under section 9.

562 If the owner does not carry out the works required by the Council, or upon appeal, by the Tribunal, within the time required, a magistrate, in addition to imposing a penalty, may make an order prohibiting the occupation of the upper stories or of the whole building, as the case may be, and a register of such orders is to be kept at the County Hall.

Administration by Council. Under section 9 the Council possess powers and responsibilities infinitely greater than those arising out of any other section in the Building Acts. There are thousands of "high" and 20-person buildings in the County, and if the provisions of this section were at once to be rigidly enforced throughout the whole metropolitan area the financial consequences would be most serious. Of this the Council are evidently quite aware, for, although the section has been in force since the 1st January, 1907, it is common knowledge that only a very small proportion of the buildings affected have yet been dealt with. Although few will quarrel with this judicious exercise of the very extensive powers provided by the section, there is a danger that, unless a proper system is adopted, considerable injustice will be done, and owners of comparatively safe buildings be put to considerable expense in improving the fairly satisfactory existing means of escape, while buildings highly dangerous from the escape point of view are allowed to remain for many years in this unsatisfactory condition. If the Council feel themselves compelled gradually to put in force the requirements of section 9, it will be distinctly unjust to deal only with those buildings which, by some fortuitous combination of circumstances, are brought to official notice. In the administration of the Factory and Workshop Act, 1901, the Council very wisely caused a general inspection and preliminary survey of the numerous premises known to them in London, and, after investigation, the premises were classified as regards the existence or otherwise of efficient means of escape, and the most dangerous ones were dealt with first. Some such classification was probably intended when the draft of the 1905
564 Amendment Act was prepared, for the Act provides that the district surveyor, upon being requested to do so by the Council, is to notify the Council of any building in his district to which the provisions of section 9 apply, but the

services of the district surveyors do not appear, up to the present, to have been made use of to any appreciable extent.

Projecting Shops are very considerably affected by the provisions of section 10, which section has reference both to new and existing buildings. 562
The London Fire Brigade have often experienced difficulty in effecting rescues from the portions of buildings at the back of projecting shops, owing to the flames shooting up through the roof of the projecting shop and rendering it almost impossible to reach the front of the main building with fire escapes. With a view to obviating this difficulty, it is now provided that every shop projecting 7 ft. or more from the main front of a building of which it forms part, and in which persons are employed or sleep, must be provided with a roof of fire-resisting materials not less than 5 ins. thick.

The First Schedule of the Act, which Schedule takes the place of the somewhat similar repealed Second Schedule of the 1894 Act, gives a list of fire-resisting materials both for general and special purposes. In the case of floors and of the roofs of projecting shops, concrete pugging not less than 5 ins. thick placed between wood joists is a statutory fire-resisting material, provided that the concrete is carried by 1 in. square fillets placed centrally in the concrete and secured to the sides of the joists. Concrete in blocks 5 ins. thick, laid between the joists on fire-resisting bearers secured to the sides of the joists, also constitutes a fire-resisting material. 569 520 570

From a practical point of view, in dealing with an existing projecting shop having a flat roof which is required to be made fire-resisting, it will often be desirable to carry a new roof of concrete and expanded metal or other suitable construction over and above the existing flat. In this case there will be no disturbance of business, no increased risk of dry rot in the timbers of the flat, and, the new roof being carried on its own supports, no additional weight will be placed upon the timbers of the flat, which are often of insufficient scantling to withstand the considerably increased weight due to the insertion of concrete pugging of the required thickness.

Openings in the Roof. Notwithstanding the general provisions of the section as to the construction of fire-resisting roofs or flats over projecting shops, lantern lights or ventilating cowls are specially allowed to be placed in any such roof or flat, provided that— 562

- (1) they are not in any part at a less distance than 6 ft. from the main front of the building from which the shop projects.
- (2) they are not within such distance as may be reasonable in the circumstances of the case from any other external or party wall.
- (3) the sides (except, in the case of each lantern light or cowl, the side facing away from the main building) are carried up in fire-resisting materials for 2 ft. above the roof.
- (4) no part of any lantern light or ventilating cowl projects above the roof in which it is placed to a greater extent than 5 ft.

In connection with the requirement for the carrying up of the sides of a lantern in fire-resisting material, it should be noted that the schedule of such materials, which has already been referred to, includes glass not less than $\frac{1}{4}$ in. in thickness and of specified sizes, in direct combination with metal having a 570

melting point not lower than 1,800° Fahr. The melting points of iron, steel, and copper; are above this limit, as also are those of brass and bronze when the proportions of zinc and tin are not exceptionally large.

562 **Exemption and Appeal.** The Council, or in the event of an appeal, the
565 Tribunal, may sanction, conditionally or unconditionally, the exemption of a building from all or any provisions of section 10. As the provisions of the section really take effect in facilitating the escape of the occupants of buildings at the back of projecting shops, exemptions have in many cases been granted where it has been possible to provide satisfactory means of escape at the rear of the building, or in some other place not likely to be directly affected by a fire in the projecting shop. The County Council have gone to some considerable trouble in notifying the provisions of this section to owners of existing projecting shops, and in consequence a fair amount of work has been done to
561 comply with the Act. In contradistinction to section 9 there is no provision for the service of a notice by the Council with the view of obtaining a compliance with the section. But, as the district surveyors are specifically required to notify the Council of any new or existing building to which the provisions of the section apply, it is presumably the intention of the Act that the Council are to take action to enforce compliance with the Act in any case in which such a proceeding may appear desirable. There are still, I believe, a very considerable number of projecting shops which have not been made to comply with the section, but the necessary works have been carried out in many cases.

563 **Means of Access to Roofs** is required by section 12 to be provided in the case of—

- (1) every existing building to which section 10 applies;
- (2) every other existing building except a dwelling-house occupied as such by not more than two families;
- (3) every new building;

if in any of these three cases the building concerned has more than two stories above the ground story, or exceeds 30 ft. in height.

But the provisions of this section do not apply to buildings which come within the scope of section 7 or section 9. As regards the measurement of height, reference must be made to the definition of "height" given in
455 section 5 of the Act of 1894. The practical point of difficulty in many cases will be the determining of what is the "face" (or presumably the main front) of the building. It may also be difficult to determine whether or not a building is a dwelling-house occupied as such by not more than two families. In the case of *London County Council v. Cannon Brewery Co.* [(1911) 1 K. B. 235], where the magistrate held that a certain public-house was a dwelling-house, and that it was not an existing building to which section 12 applied, the High Court considered the question to be largely one of fact, and affirmed his decision.

563 The means of access to the roof must be either :—

- (a) a dormer window or a door, opening on to the roof in a suitable position approved by the district surveyor, with proper access to such dormer or door; or

- (b) a trap door in a suitable position approved by the district surveyor, covered with copper or zinc, hung on hinges and balanced with a counterweight, and provided with a fixed or hinged step ladder leading to the roof; or

- (c) "other proper means of access to the roof."

Also a sufficient guard rail or parapet is required "where reasonably practicable and necessary to prevent persons slipping off the roof." Any dormer or trap door so provided must be fastened in such a manner as to insure access to the roof being always readily available from the inside of the building.

The important point to be here noted is that the position of the roof access must be approved by the district surveyor. He should therefore be consulted before any steps are taken to carry out the requirements of section 12.

Exemption and Appeal. As in the case of section 10, the Council, 563
or in the event of an appeal, the Tribunal, may sanction conditionally or 565
unconditionally the exemption of any building from all or any of the provisions of section 12. If in any case the provision of access to the roof is useless from an escape point of view, and some other means of escape from the upper part of the building either exists or can be provided, an application for exemption can surely be made with a good prospect of success.

This section is in other respects similar to section 10 in that there is no provision for the service of a notice by the Council, but the district surveyors are required to notify the Council of buildings which do not comply, and discretion as to the action to be taken apparently rests with the Council. Generally speaking, however, the warning letters which have been addressed to owners of existing buildings which come within the scope of this section have been effectual in obtaining the necessary provision of roof access. The section (No. 12) is in substitution for and an amplification of the repealed provisions of section 61 (2) of the Building Act of 1894.

Oil Shops are the principal premises affected by section 11. It is there provided that no person shall use, or permit to be used, either as a living-room or as a workshop or workroom, any room constructed over or communicating directly with any part of a building used for the storage of petroleum as defined by section 3 of the Petroleum Act, 1871 (whether or not petroleum within the meaning of that Act), or bisulphide of carbon, or ether, or turpentine, or methylated spirit, or any other inflammable liquid kept for sale or trade purposes, in such quantities or in such a manner as to be liable to cause fire or explosion, unless there are provided "in connection with such room, according to the requirements and to the satisfaction of the Council"—

- (1) adequate safeguards to prevent the spread of fire to such room from the part of the building used for the storage of any such inflammable liquid; and

- (2) means of ready escape from such room in case of fire.

The definition of petroleum in section 3 of the Petroleum Act, 1871, is:— 397
"For the purposes of this Act the term petroleum includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the

above-mentioned oils." In addition, the term "petroleum to which this Act applies" is specially defined, the definition being, however, varied by the Petroleum Act, 1879, but this is immaterial, as section 11 of the Act of 1905 applies to all petroleum coming within the first-mentioned definition. This section 11 applies both to new and existing buildings.

565 **Appeal** to the Tribunal is possible against any requirements made by the Council under this section. It is rather curious that in this instance the wording of the section itself gives no clue to the existence of a right of appeal, but this right is specifically mentioned in section 22, which section constitutes a summary of the cases in which appeal is possible under the Act.

General Provisions. Several minor provisions will be briefly referred to, the number of the section in question being placed at the end of each description in order to facilitate reference. Except with the consent of the Council or, in the event of appeal, the Tribunal, no person may convert a building so that when converted it will not be in accordance with the provisions of the Act (13). All means of escape provided are to be maintained (14). The district surveyor is to be furnished with particulars of any means of escape required by the Council or the Tribunal, or which are to be provided in accordance with plans approved by the Council, and it is his duty to see that the means of escape are provided as required, and to report any omissions to the Council (16). This procedure is different from that which applies under the Factory and Workshop Acts, where the Council undertakes the duty of inspecting the provision of the means of escape. The district surveyor is empowered to charge the fees referred to in Parts I. and II. of the Second Schedule (18). The fees mentioned in Part I. of the Schedule, which are recoverable from either the builder, the owner as defined in the Building Act of 1894, or the occupier, are stated to be one-fifth of the fee payable under the Third Schedule of the Act of 1894 in respect of a new building of the same character, or the sum of one guinea, whichever may be the greater. The fees are payable—

- (1) in respect of a building erected in conformity with section 7 ;
- (2) for ascertaining whether any requirement made by the Council or Tribunal under section 9 has been complied with ;
- (3) "for any work required" under the provisions of section 10 or 12.

Section 18 (3) provides that "where any works or services, other than those carried out or performed in pursuance of this Act, are carried out or performed in respect of any building," the fees under the Amendment Act are to be in addition to and not in substitution for any fees which may be payable under the Act of 1894. The fee specified in Part II. of the Schedule is payable by the Council.

Notwithstanding any provisions to the contrary contained or implied in any lease or contract, the owner of a building may enter such building for the purpose of carrying out or maintaining any work required under the Act (15). Provisions exist whereby an occupier who claims to have sustained damages may demand the reference of such claim to arbitration (21).

Appeals under the Act. The cases in which an appeal to the Tribunal is possible have been referred to in dealing with the several requirements of

the Act, but a summary of these, as obtained from section 22, may be of service. Appeals are possible— 565

- (1) Under section 7 (escape from new "high" or 20-person buildings).
- (2) " " 9 (escape from existing "high" or 20-person buildings).
- (3) " " 10 (projecting shops).
- (4) " " 11 (premises in which inflammable liquid is stored).
- (5) " " 12 (access to roofs).
- (6) " " 13 (conversion of buildings).

Apportionment of Expenses.

The question of the apportionment, between the several owners and occupiers interested, of the expenses incurred in the providing of means of escape, under both the Factory and Workshop Acts and the London Building Acts (Amendment) Act, 1905, is dealt with in Chapter 17. 214

Means of Escape from Special Buildings.

Escape from Theatres, Music-halls, and other buildings licensed for music and dancing, must be provided in accordance with the regulations made by the Council under the Metropolis Management and Building Acts Amendment Act, 1878. These regulations, in which the constructional and escape requirements are intimately related to one another, have already been dealt with in Chapter 10. The remarks in Chapter 15 with regard generally to escape, apply to these as well as other buildings. The principles upon which all means of escape requirements are based are of general applicability, although in these special buildings, owing to the materials on the stage, the risk of sudden fire is increased, and, in consequence of the number of persons closely packed together in the auditorium, the dangers of panic are particularly apparent. Thus exceptionally careful treatment is demanded. 633 136 196

Common Lodging-houses have been dealt with, as regards their general sanitary arrangements, in Chapter 5. Having regard to the fact that under the General Powers Act of 1902 the **safety** of the occupants is required to be considered by the Council in dealing with an application for a licence, the Council exercise a right of requiring satisfactory means of escape in case of fire before granting a licence. As in the case of the general sanitary requirements, appeal is possible to a magistrate. The definition of the term "common lodging-house" has been dealt with in Chapter 5. 52 555 53 52

Existing common lodging-houses have for the most part been dealt with, for it was provided by the General Powers Act of 1902 that, within six months of the passing of the Act, the Council should give notice of the provisions of the Act to all registered keepers of common lodging-houses. This was done, and, as the Council were able to refuse to grant licences in the case of unsatisfactory premises, additional means of escape were provided from a large number of common lodging-houses.

The Scope of the Acts. In order to prevent any overlapping, it is provided by section 26 of the London Building Acts (Amendment) Act, 1905, 567

that the provisions of such Act shall not apply to any building the whole of which is a factory or workshop with the meaning of section 14 of the Factory and Workshop Act, 1901 (factories and workshops in which more than 40 persons are employed), or to any common lodging-house within the meaning of any statute for the time being in force relating to common lodging-houses within London.

Escape from "New Churches, chapels, meeting-houses, public halls, public lecture-rooms, public exhibition-rooms, and public places of assembly," and from any addition to the foregoing in which increased accommodation may be provided, is facilitated by the works required to be executed under section 80 of the 1894 Building Act. It is here enacted in the case of any such buildings that—

- (a) every staircase for the use of the public must be supported on and enclosed by brick walls at least 9 ins. thick ;
- (b) every staircase, internal corridor, or passage-way, for the use of the public must be at least 4 ft. 6 ins. wide, except where not more than 200 persons are to be accommodated, in which case a width of 3 ft. 6 ins. will suffice ;
- (c) every staircase, corridor, or passage-way, for the use of the public which communicates with any portion of the building intended for the accommodation of a larger number of the public than 400, must be increased in width, above 4 ft. 6 ins., by the extent of 6 ins. for every additional 100 persons, but no greater width than 9 ft. need be provided.

Every staircase which is 6 ft. or more in width must be divided by a handrail.

Instead, however, of a single staircase, corridor, or passage-way of the prescribed width, it is lawful to substitute two staircases, corridors, or passage-ways, provided the width of each is not less than two-thirds that of the single prescribed staircase, etc., and that it is in no case less than 3 ft. 6 ins.

- (d) in all cases where one portion of the public is to be accommodated at a higher level than other portions, a separate means of exit, of the width already prescribed, must be provided from each floor or level, and must communicate directly with a street or open space ;
- (e) all doors and barriers must be made to open outwards, and must not be fitted with outside locks or bolts.

With regard to the materials, section 68 of the 1894 Act provides, *inter alia*, that in every public building the floors of the lobbies, corridors, passages, and landings, and also the flights of stairs, are to be of fire-resisting material, and carried by supports of fire-resisting material.

As rough, but incomplete, notes for the guidance of a person engaged in arranging a scheme of satisfactory means of escape from a crowded building, the requirements of section 80 might meet with acceptance, but, as definite hard-and-fast rules to be blindly adhered to in every instance, they operate most unfortunately. Simple compliance with these general requirements, in which there is no reference to the provision of an effective alternative means

of escape, will not in the majority of cases result in safety for the public in the event of fire. Every building naturally demands special treatment and should be dealt with on its merits, as provided for in the case of all buildings coming under the Factory and Workshop Acts or the 1905 Amendment of the Building Act. Further, the provision requiring an entirely separate means of exit to the street from every floor, places an unnecessarily heavy burden on the shoulders of the architect in connection with the planning of a building, and often entails a waste of space and money. Whenever a general amendment of the Building Acts is proposed, it is to be hoped that the provisions of section 80 will be brought into a more logical and satisfactory form.

Other provisions of the 1894 Building Act, notably those of section 74, 479 indirectly affect the question of means of escape in case of fire, but as the reference in the first instance concerns methods and materials of construction, these have been already dealt with in Chapter 10. 131

CHAPTER 15

PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE

General Considerations.

667 ONE rarely finds a technical subject of importance with regard to which there is so little practical information in print as is the case with this question of means of escape in the event of fire. The County Council indeed publish statements of their escape requirements, but it is very properly emphasised that these must be taken only as a general guide applicable to no specific case, and that each case has of necessity to be considered on its merits. The official statements are valuable as giving the required width of staircases, in ordinary cases 3 ft. 6 ins., sizes of treads and risers, the maximum number of steps in a flight, and so on, and they must of course be consulted when the details of the work are being settled. But they do not pretend to expound the theories governing the efficient provisions of means of escape any more than do the new steel-work requirements contain expositions and proofs of the principles of mechanics. Such educational work is clearly outside the province of an administrative authority. It is indeed worthy of mention that Mr. William Woodward, F.R.I.B.A., F.S.I., in the session 1907—8 read a paper entitled "Recent Fire Legislation for London," before the Royal Institute of British Architects. But this was rather a review of the law relating to the subject, than an exposition of the principles which should govern the design and execution of the work required by the law.

Fire Prevention and Fire Escape are very far from being one and the same thing, but this fact is not sufficiently well appreciated. A vague general idea still exists—indeed, outside the architectural profession, it almost reaches the point of being a well-accepted theory—that, if a building is of fire-resisting construction throughout, there is no need to trouble about providing means of escape other than such staircases as are required for purposes of convenience. Yet such a building when occupied may be filled on all floors with combustible goods, and even if used chiefly for office purposes there will probably be sufficient combustible materials in the building to raise enough smoke to jeopardise the safety of all the occupants. On the other hand, a building might be constructed entirely of light timber framing, and yet if there were several good staircases not immediately subject to the same fire risk, and good runs through to the staircases on each floor, the means of escape would be quite satisfactory. It is admitted that, in many well-planned modern factory and similar buildings, both the rapid progress of fire is prevented and the means of escape rendered more effective by the provision

of fire-resisting enclosures to all staircases and lifts. But it must not be supposed from this single instance that works for fire prevention and fire escape necessarily react favourably on one another. Take, as an example of the contrary, the question of openings in party walls. These in most cases greatly facilitate escape in case of fire, but from the purely fire-preventive standpoint such openings are undesirable, even though fitted with the required double iron or other fire-resisting doors.

Smoke. A good many mistakes would have been avoided if, when escape requirements were first inserted in the Factory and Workshop Acts, due prominence had been given to the fact that these requirements had principal reference not to means of escape in case of fire, but to *means of escape in case of smoke* resulting from fire. When the provisions of the earlier Factory Acts were first administered in London, architects practising at such period may remember that requirements were sometimes made to remove existing deal staircases and substitute staircases of hard wood, without any enclosures to such staircases being asked for, and without any measures being taken to cut off the staircases from one another. Buildings of course thus treated were rendered hardly any safer for their occupants in the event of fire than if nothing whatever had been done. With the exception of the somewhat unusual instance of deaths due to crushing, in the case of a panic occurring in a crowded building, and those occasioned by fire suddenly breaking out in the midst of highly combustible materials—as in the case of the Paris Charity Bazaar fire several years ago and the recent fire at Messrs. Arding and Hobbs' premises, Clapham Junction—suffocation by smoke has been found to be the cause of most fatalities. In practically all the fatal fires which have occurred in London during recent years, death has been due to suffocation. The staircases in such instances have acted as flues for the conveyance of smoke from the fire below, and have consequently been useless as a means of escape.

Escape from Large Buildings.

The First Point to consider is how to prevent the staircases becoming smoke-logged, for without some precautionary measure this will undoubtedly happen. There is generally a slight current of air up a staircase which, coupled with the tendency of heated air to rise, will naturally direct the course of the smoke upwards by means of the staircase in the event of an outbreak of fire on the lower floors. It is therefore desirable that staircases should be enclosed with some suitable material, and all doors to the staircases be fitted with springs that they may close automatically. In factory buildings where the stairs are of concrete or artificial stone, the enclosure usually consists of a 9-in. brick wall. In office and similar buildings solid plaster partitions are often used. The doors are usually required by the Council to be of hard wood 1 $\frac{3}{4}$ ins. finished thickness, with solid panels and fire-resisting glazing, and fitted so as to swing both ways.

Architects are in duty bound to consider the pockets of their clients so far as is consistent with full compliance with the law, and should note that the Council, notwithstanding the text of their general requirements, have no power to demand

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545 } anything more than such means of escape as can be reasonably required
 561 } under the circumstances of each case, and that, as has already been mentioned,
 555 } in all cases except buildings licensed for music and dancing, and "certificate"
 565 } factories and workshops, there is either the right of appeal or, in the case of
 545 } factories and workshops erected prior to 1892 and 1896 respectively, the right
 to refer disputes to arbitration. I think there is a tendency in these questions
 of escape, for the Council, doubtless with the best of intentions, to let their
 demands sometimes go beyond the limits of what can be reasonably required.
 Take, for instance, the question of staircases. If these are properly enclosed
 in every part it does not matter, from the escape point of view, whether they
 are constructed of soft or hard wood. The demand for hard wood staircases
 seems a relic of the time when hard wood *per se* was deemed to be the reposi-
 tory of all the means-of-escape virtues, and it is improbable that, in the case
 of efficiently enclosed staircases, such demands would be upheld in the event
 of arbitration or appeal.

Also it is possible that in the case of enclosures, and particularly the self-
 closing doors, which have to be provided to act as smoke checks, a somewhat
 less expensive construction than is customary would be sufficient to meet the
 circumstances. Doors of $1\frac{3}{4}$ -in. solid hard wood are rather an expensive item,
 and, also, being heavy, have to be fitted with rather stiff springs, which are often
 objected to by occupiers. There seems no reason to suppose but that from the
 purely fire escape—not the fire preventive—point of view, a similar thickness
 of deal would be sufficient.

The Second Point demanding attention is that the staircases, if possible,
 shall be so distributed and cut off from one another by brick or fire-resisting
 enclosures, with any openings therein fitted with self-closing smoke-proof
 doors, so that no two staircases are likely to be affected by the same fire. This is
 a counsel of perfection, which perhaps the disposition of the plan will not
 always render practicable, but the desirableness of some such arrangement
 should always be held in view. Sometimes, where each staircase can be thus
 effectually isolated, this method may be adopted as an alternative to the
 provision of fire-resisting enclosures to the staircases. In the numerous
 class of existing buildings, united by openings in the party walls, the cutting
 off of the staircases from one another can easily be effected by providing smoke-
 proof doors, in addition to the iron or other fire-resisting doors required to be
 provided in the larger buildings coming within the cubical extent provisions.
 Where several buildings each possessing a separate staircase are so united,
 with all the openings fitted with smoke-proof doors, the provision of enclosures
 to the staircases is not necessary.

It may be asked, why is it desirable to arrange enclosed staircases so that
 they are not in the same fire risk? Are not the enclosures sufficient in them-
 selves to render the staircases quite safe for escape purposes? The answer to
 such a query is that allowance must be made for the fallibility of human
 nature. The self-closing doors to the staircases are undoubtedly rather
 objectionable, particularly when goods are being continually carried through the
 doorways, and one often finds these doors wedged open during working hours
 —just at the time when in factories and workshops and office premises it is

essential for escape purposes that they should be closed. A single open door on one of the lower floors is the Achilles' heel of an escape staircase. If a fire occurs on such floor the staircase will at once become smoke-logged. Therefore it is desirable to provide a double check by cutting off one staircase from another, so that unless all the self-closing smoke-proof doors are left open on the same floor, at least one of the staircases will be available for escape purposes.

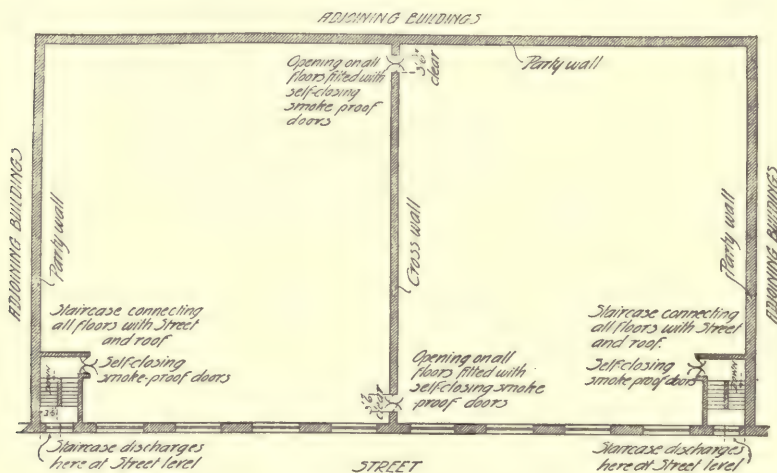
Possibly in the course of time the public will be generally educated to appreciate the value of closed smoke-proof doors, but a fire is a comparatively remote contingency, and this thought is highly conducive to carelessness. It is a very common occurrence, even in buildings where there is a great risk of fire, to find that the self-closing fire-resisting doors, provided in connection with a means of escape scheme, are almost invariably wedged open.

The Third Point which must be considered in connection with satisfactory means of escape, is the positions in which the staircases are placed in the building, and the points at which they discharge. Staircases should be well distributed about the building to be served by them; it is not good planning, from the escape standpoint, to have two staircases close together. But there will be no advantage in placing two staircases at considerable distances from one another, if they converge at a lower level to points immediately within the same fire risk. In all cases, where possible, a staircase should be provided at each end of the frontage of an important building. Staircases should be easily accessible, and should not be placed so that the door openings in the staircase enclosures are near to lift shafts, unless such shafts are properly enclosed, and all openings in the lift enclosures fitted with smoke-proof doors.

As regards the very important question of the positions at which the staircases discharge, it must be emphasised that, in the case of most buildings in closely packed areas, a staircase has *two natural points of discharge*, one at the ground and the other at the roof level, the latter position being, from the means of escape point of view, sometimes quite as important as the former. Staircases, therefore, in all ordinary cases should be carried up to the roof. Staircases are best placed so that one side consists of an external wall abutting on a street or open space, and there can thus be immediate discharge to the street or open space at the ground level. If, however, for some special purpose of general planning, a staircase has to be placed inside the building some distance back from a street or open space, a passage-way with fire-resisting enclosures and floor should be provided on the ground story to give safe access to the street. Any door openings in the enclosures to such passage-way should be fitted with self-closing smoke-proof doors. If it is possible to do without openings in these enclosures to the passage, so much the better. As regards the exit to the roof, it is desirable to carry up the staircase of the same construction and width, and to finish it at the top with a landing giving access to the roof by means of a door, usually fitted with an automatic bolt or latch to open by pressure from the inside. It seems hardly necessary to say that this exit door need in no possible instance be made of hard wood, but I have seen a good many constructed of this material. In dealing with the

question of roof escape, it is very important that guard rails should be provided to the roofs, and also that, where possible, safe and easy means of access by steps or ladders should be provided to adjoining roofs, as otherwise there is a risk of accident.

The Fourth Point for consideration occurs only in connection with buildings—a very numerous class, however—in which the staircases that are provided for ordinary purposes are not so numerous or so well disposed as to give an *alternative means of escape* from all important parts of the building. In such an instance I am afraid the first thing that is likely to suggest itself is the provision of an external staircase. An unwarranted belief appears to exist that an ordinary internal staircase, used every day as it is by the occupants, and thus the unconscious objective of every person in its vicinity at the first alarm of fire, cannot be considered a means of escape in any way comparable as regards efficiency with an external “escape staircase”—a structure which is very often unknown to most inmates, and probably rarely used by any one, and in frosty weather likely to be slippery, and thus very dangerous should panic



occur. When escape is to be provided from existing buildings the erection of an external iron staircase certainly often proves the only practicable solution of the problem, but it cannot compare in efficiency with a properly enclosed internal staircase with which all occupants are familiar. Thus in the planning of a new building, when it is found that satisfactory means of escape are not provided by the staircases ordinarily required, it will be desirable if possible to provide an additional internal staircase. If questions of cost and floor space preclude such an arrangement, the erection of an external staircase will then have to be undertaken. In such a case the windows next such staircase should be fitted with fire-resisting glazing, as otherwise, in the event of fire, the flames and smoke would be liable to burst through the windows and render the staircase unavailable for escape purposes.

Illustration of Good Means of Escape. The accompanying plan shows a building designed solely from the means of escape point of view. Each of

the two staircases provided is doubly safeguarded as an efficient means of escape in case of fire, first by its own enclosure and secondly by the cross wall which divides the building into two separate "fire risks." Both staircases connect with all floors, and with the street and roof. In practice, where many considerations govern the planning, an exact arrangement of this nature is rarely possible. The plan shown is principally of value as illustrating rather at what to aim in the provision of means of escape than what can usually be attained.

The study of the question of means of escape deserves more attention than it usually receives. The fact that a system of means of escape has been approved by the Council is no proof that it is the best system which could have been adopted. Schemes where the required means of escape are obtained at the expense of a great waste of floor space, and with much inconvenient planning, are not infrequently approved by the Council. Although minor suggestions are often made, the Council's officials naturally do not care to suggest a wholesale revision of a design when the drawings for the work are practically completed, and the proposed means of escape are such as can be approved.

Escape to Adjoining Premises. Very often it will be found possible to provide a satisfactory alternative means of escape in a much more simple and economical manner than in the erection of a staircase. Where there are several buildings or blocks in the same ownership, steel gangways or balconies extending from one to the other prove quite satisfactory, and often result in a great saving in cost.

Even where there are no such buildings in the same ownership, means of escape may often be provided by an arrangement with an adjoining owner. The Council, of course, cannot ask for any means of escape which will constitute a trespass on other property, but a voluntary proposal of this nature will usually be accepted if evidence is produced to show that the means of escape will be permanently maintained. Probably this procedure, if more generally adopted, would affect the prevalent opinion as to the heavy cost of providing means of escape. There are, of course, several ways in which the means of escape can be provided with the consent of adjoining owners; possibly the most common method is the erection of small balconies extending between the adjoining windows of the two premises. This simple arrangement is particularly valuable in instances where means of escape are required to be provided from both buildings.

Means of Escape from Smaller Buildings.

In buildings not exceeding about 1,200 sq. ft. in area it is clear that the provision of two staircases is, from practical as well as financial reasons, an impossibility. Reference has already been made to the fact that an ordinary enclosed staircase, once affected by fire in consequence of one of the doors being wedged open, will almost certainly become a smoke-shaft, and be rendered useless. A form of staircase has therefore been designed in which, by "smoke lobbies" at every floor, shut off from the staircase by a door and screen, and

open on another side to the external air, provision is made for the egress of smoke in any particular story in which a fire may occur, without the rest of the staircase being—in theory at least—affected. With a staircase of this type properly carried up to the roof it has been considered that no alternative means of escape is necessary. But business people not unnaturally object most strongly to this arrangement. Where the rest of the building is well warmed these smoke lobbies, through which it is necessary to pass to go from one floor to another, are very cold and draughty, and are occasionally affected by driving rain. Some doubts also exist as to their efficacy in preventing the smoke-logging of the staircase. Latterly it has apparently been the practice to accept an almost enclosed smoke lobby, not necessarily abutting on an external wall—the building in which I write is of this class—connected near ceiling level to the external air by means of a comparatively small opening into a brick-enclosed air shaft. Undoubtedly the existence of two sets of doors between the rooms and the staircase is of advantage as a double smoke check, but whether a lobby of this type is likely to clear itself of smoke is another question. It is quite conceivable that in certain circumstances the air shaft may have very little extractive power.

These buildings of comparatively small floor area undoubtedly constitute one of the most difficult problems in connection with the provision of means of escape. In all cases it is most desirable that the staircase, in addition to being well enclosed, should deliver satisfactorily at the ground and roof levels, and certainly the arrangement of an enclosed lobby, ventilated or otherwise, creating a double check between the rooms and the staircase, will improve the value of the staircase as a means of escape. Instead, however, of depending on the rather problematical advantage of a lobby, an infinitely better result will be obtained by providing an alternative means of escape to the adjoining premises if the adjoining owner can be induced to give his consent.

563 **Means of Access to Roofs**, which is necessary, unless the Council permit otherwise, in the case of all buildings which come within the scope of section 12 of the Amendment Act of 1905, may be provided, as has been seen, in several ways. Where the building has windows opening from the staircase on to a gutter, at the back of a parapet, this may reasonably be considered to be "other proper means of access to the roof," but it may be necessary to provide a guard rail along the parapet where this is of very little height. In all other cases it will probably be desirable to provide a dormer or trap-door. If the latter, a step-ladder will also have to be provided. If a dormer is decided upon, its position will probably be governed by the general planning. The position must be "suitable," and be approved by the district surveyor. A trap-door can be fixed in the roof practically anywhere, and its position also must be "suitable" and approved by the district surveyor. But it is usually most difficult to find a suitable position for a trap-door. If it is placed over a staircase or landing, access to it may be a difficult matter in the event of fire, owing to the staircase being smoke-logged. If it is placed inside a room, the room perchance may be unoccupied, locked up, and the key downstairs at the time of the fire. Doubtless in many cases there will be some circumstance in

the planning of the building which will influence the decision. A determination on general grounds as to which is the most suitable position can hardly be arrived at.

Smoke-proof screens of light construction have been provided to some considerable extent in buildings which have been exempted from the provisions of section 10 (projecting shops) of the 1905 Amendment Act, upon the condition that certain works should be carried out. A screen fixed across the whole staircase space at the level of the top floor, or at the half-landing or floor immediately beneath, is a useful arrangement, for, even when a staircase is smoke-logged, persons are often able to struggle up to the top floor, where, if a screen has been provided across the staircase, they then reach a place of temporary safety, free from smoke. In such a case the raising of the step-ladder to the trap-door and the obtaining of access to the roof is a comparatively easy matter. Here again, however, the human element must not be forgotten. Probably in not a few cases the self-closing door to such a screen will be wedged open at night by some nervous person sleeping on the top story, the value of the screen thus being largely nullified. Except where there are two distinct means of escape from a building, the whole system so carefully provided is likely to be rendered valueless by a single act of carelessness. 562

"Escape" Appliances. It will be noted that no mention has been made of appliances, such as canvas shoots, designed to facilitate the escape of persons from the upper floors of a building in the event of fire. These may be of service in cases where the occupants of the building are familiar with their working, and no panic occurs. But there is a great probability that, in the case of a sudden fire and consequent panic, they will prove an additional source of danger. Contrivances of this description are therefore not accepted by the Council. 670

Principal Law Cases.¹

(Those referred to in text of Division V. have page references in margin.)

Dangerous Structures.

Q. B. 1894 . . .	L.C.C. v. Herring	(1894) 2 Q. B. 522.	177
Q. B. 1896 . . .	L.C.C. v. Hobbis	75 L. T. 687.	
Q. B. 1897 . . .	L.C.C. v. Bernstein	61 J. P. 630.	175
Q. B. 1899 . . .	Crisp v. L.C.C.	(1899) 1 Q. B. 720.	
Ch. (C. A.) 1903 . . .	Wright v. Lawson	68 J. P. 34.	
K. B. 1905 . . .	L.C.C. v. Sheinman	93 L. T. 505, and 3 A. L. R. 105.	

Sky Signs.

Q. B. 1892 . . .	L.C.C. v. Carwardine and Co.	68 L. T. 761.
Q. B. 1892 . . .	Tussaud v. L.C.C.	57 J. P. 184.

¹ For meaning of abbreviations, see page 63.

Means of Escape : Factory and Workshop Acts.

184	Q. B. 1900	.	.	<i>In re</i> the L.C.C. and Lewis	.	.	.	82 L. T. 195.
	K. B. 1901	.	.	<i>In re</i> the L.C.C. and Brass	.	.	.	17 T. L. R. 504.
184	K. B. 1903	.	.	<i>In re</i> the L.C.C. and Tubbs	.	.	.	68 J. P. 29, and A. L. R. 5.

Means of Escape : London Building Acts (Amendment) Act, 1905.

186	K. B. 1908	.	.	L.C.C. <i>v.</i> Spink and Son	.	.	.	(1908) 2 K. B. 447, and 4 A. L. R. 79.
190	K. B. 1910	.	.	L.C.C. <i>v.</i> Cannon Brewery Co.	.	.	.	(1911) 1 K. B. 235.

DIVISION VI

MISCELLANEOUS PROVISIONS

CHAPTER 16

CITY REQUIREMENTS

THE City of London occupies the comparatively small area extending from Temple Bar on the west to Aldgate on the east, and from the river on the south to slightly beyond the Barbican on the north. The law in the City differs to a very considerable extent from that in the rest of London. The provisions of the Metropolis Management Act, except such requirements as have reference to main sewers, and except those of the Amendment Act of 1879 with regard to flood prevention, may be considered to have practically no application in the City; and although the London Building Acts and the Public Health (London) Act, 1891, apply in the City, many important requirements in such Acts are either not in force at all in this area, or their application is subject to some noteworthy modification. The County Council by-laws as to the construction of sewers and of drains, the provision of water-closets and other sanitary fittings, the removal of refuse, the construction and control of slaughterhouses, the substances used in the construction of walls, and as to the materials used in plastering, do not apply in the City. The County Council by-laws as to offensive trades, and regulations as to dairies, cowsheds, and milkshops, also do not apply. Drainage requirements bearing in most cases some similarity to those applicable throughout the rest of the County are contained in the City of London Sewers Acts, 1848 and 1851; drainage regulations have been made under such Acts, and by-laws which deal with the construction of water-closets have been made under the City of London (Various Powers) Act, 1900. Also by-laws have been made with regard to common lodging-houses and slaughter-houses, and regulations with regard to milkshops.

Authorities. The authority which plays the principal part in the administration of the City is the City Corporation, which in 1898 succeeded to the duties of the former Commissioners of Sewers for the City, and now administers the City Sewers Acts and sanitary by-laws, and certain specified portions of the London Building Act, 1894, and the Public Health (London) Act, 1891, and is the licensing authority for the City under the Petroleum Acts, 1871 and 1879. There is also, of course, the London County Council, which exercises the ordinary administrative powers, except in the not infrequent

instances where such powers are stated not to apply in the City. The district surveyors, of whom there are now only two for the City, also have administrative powers. Their powers, however, are not quite so extensive as in the rest of London, since the by-laws do not apply in the City. The instances in which the superintending architect exercises jurisdiction are reduced in number, as the provisions of Part III. of the 1894 Building Act, as to the general line of
 464 buildings, do not apply in the City. The right of appeal to the Tribunal of Appeal is possible in the City, as in the rest of London, in all instances in which the law affords a right of appeal to such Tribunal.

As a person proposing to carry out constructional work in the City will principally desire to know how the requirements of the law will affect the particular work he has in hand, it is proposed to follow the course adopted in the preceding chapters, and deal with the subjects affected by the building law under the headings of Streets, Sewers, Drains, Air Space, Construction, etc. As, however, the special City requirements will be of interest only to a relatively small number of persons, they will not be dealt with in full detail, but sufficient information will be given to enable easy reference to be made to the Acts or by-laws themselves.

Formation of Streets. The formation of streets in the City is governed,
 457 as in the rest of London, by the provisions of Part II. of the 1894 Building Act. But in two respects these provisions are specially modified as regards their application to the City. The right of the County Council to refuse to sanction a street which does not form direct communication between two streets does not extend to a street within the City. Also in the case of the proposed formation of a street within the City for foot-traffic, the Council have not the right, as they have throughout the rest of the County, to require that the street shall be formed for traffic other than foot-traffic. There are also similar modifications of the law in respect of the adaptation of ways for streets. The
 608 by-laws dealing with the construction of streets apply without modification throughout the County.

Private Streets. The paving of private streets in the City by the Corporation is regulated by the provisions of sections 126 and 127 of the
 327 City of London Sewers Act, 1848. It is there provided that "in case the owners of any houses forming the principal part of any new street laid out or made or hereafter to be laid out or made within the City, which has not previously been paved or repaired by or under the direction of the Commissioners, shall be desirous of having the same paved, or if the Commissioners shall deem it expedient or necessary that the same shall be paved," then the Corporation, which has succeeded to the duties of the Commissioners, is empowered and required to pave the street. One third part of the estimated expenses of paving is to be paid by "the owners of the houses forming the principal part of such new street." On the completion of the work the accounts are to be balanced so that one-third the actual cost of the work is paid by the owners. It is apparently to the interest of owners to endeavour to take advantage of these provisions in any case in which the upkeep of a street that is not a highway is a very onerous matter, and there is no likelihood that the ground occupied by the street will be required to be built upon

at any time, for it is seen that, as compared with owners in other metropolitan districts, they will receive most exceptional treatment with regard to the expenses incurred.

Sewerage and Drainage. It is provided by section 52 of the City of London Sewers Act, 1848, that all sewers and public drains existing in the City at the time of the commencement of the Act, and all other sewers and public drains which shall at any time be constructed in the City, whether constructed at the cost of the Corporation or otherwise, are to be vested in or controlled by the Corporation. Section 60 of the same Act provides that persons outside the City may branch private sewers or drains into the drains vested in the Corporation, upon payment of such remuneration as the Corporation may consider a fair sum for the use of their sewers. Section 62 of the Act provides that in the erection of any building in the City a drain must be constructed of such materials, of such size, at such level, and with such fall as the Corporation shall direct, and so that it shall be available for the drainage of the lowest floor of the building. Such drain must lead to a sewer, or, if there be no sewer existing or intended to be constructed within 50 ft. of any part of the site, then the drain is to be run to a covered cesspool or other place, not being under any dwelling-house, as the Corporation shall direct. When any building is rebuilt, it is provided by section 64 that the level of the lowest floor is to be raised sufficiently to allow of the construction of a drain in accordance with the foregoing provisions. The taking down of a building to within 12 ft. of the surface of the ground for the purpose of building it up again is deemed a re-building within the meaning of the Act.

Drainage of Existing Buildings. The Corporation have fairly extensive powers with regard to the drainage of existing buildings. Under the provisions of section 61 of their Act of 1848 they may require any existing undrained building to be properly drained, if there is a sewer within 50 ft. of it. But this is a less stringent requirement than that of the Metropolitan Management Act, 1855, where the specified distance is 100 ft. Section 70 provides that all drains are to be under the survey and control of the Corporation, and, in any case where a drain, privy, or cesspool is not repaired by the owner or occupier, the Corporation may require the drain, privy, or cesspool to be put in repair. If this is not done, the Corporation may carry out the necessary work and recover expenses.

Drainage Regulations. The requirements with regard to the drainage of buildings, and with regard to the provision of sanitary fittings in the City, are stated separately, just as in the rest of London the full house drainage requirements are dealt with in two distinct sets of by-laws. It is worthy of note, however, that, whereas outside the City all the requirements as to these matters are in the form of by-laws, in the City itself the drainage requirements are in the form of "regulations," and would thus not appear to be of such a hard-and-fast character as the requirements with regard to water-closets, etc., which are in the form of by-laws. Also, having regard to the provisions of section 62 of the 1848 Act, it appears that requirements additional to those of the regulations may be made by the Corporation. The regulations, which were approved and printed in 1898, contain requirements with regard to the

construction of water-closets, but these are presumably superseded by the by-laws which were made as recently as 1909 in substitution of those made in 1904, and deal with water-closets, soil pipes, etc., in a much more comprehensive manner than the regulations.

726 All persons proposing to construct or reconstruct house drains are required by the regulations, at least 7 days before the work is to be commenced, to make application at the Public Health Department of the Corporation at the Guildhall on a form to be obtained there. The application is to be accompanied by a plan of the premises drawn to a scale of 8 ft. to one inch, with the new drains shown in red, and any existing drains in blue. The question of combined or separate drains is cleared by a requirement that each house is to have a separate and independent connection with the public sewer where practicable, and where this is impracticable a twin-drain or some other method approved by the Public Health Department may be adopted. All work beneath the public way is to be done by the Corporation, and, before the works are commenced, the applicant must pay the cost of the drain and any works incidental thereto as estimated by the City engineer. Except in a case of emergency, such as one of flooding, no work is to be commenced inside the building until the connection from the sewer to the front of the building has been completed. It will be seen from the full text of the regulations

726 which are given in the second portion of this volume, that the requirements as to the quality, size, fall, jointing, etc., of drains are very similar to those contained in the County Council by-laws which apply throughout the rest of London. Gullies are to be provided at the bottom of all rainwater pipes and wastes, and as many as possible of the rainwater and waste pipes are to be collected into one gully as near as possible to the head of the drain, a requirement which is of a very sound and practical nature. An intercepting trap must of course be provided at the sewer end of the drain, and access to this must be given by means of an inspection chamber, built and rendered in cement. Every new drain must pass the water test as applied by a Corporation official, and no drain is to be covered in until it has been seen and approved by the City engineer or an officer deputed by him to supervise the work.

729 **By-laws as to Water-closets, etc.** Every person who intends to construct a water-closet, or to connect or disconnect a water-closet to or from a soil pipe or drain, is required, by the City by-laws, to forward to the Corporation 7 days before the work is commenced, a plan, to a scale of 8 ft. to one inch, showing the position of the water-closet, and a section showing the means of ventilation. The requirements as to the position of water-closets differ considerably from those of the London County Council by-laws. One side of the water-closet at least is required to be an external wall, which must abut immediately upon the street, or upon a yard or garden or open space of not less than 50 sq. ft. of superficial area, measured horizontally at a point below the level of the floor of the closet. In the rest of London it will be

702 noted that in such a case an open space of 100 sq. ft. is required. Further, this City requirement does not apply—

729 (a) To a water-closet constructed below the surface of the ground and approached directly from an area or other open space of at least

40 sq. ft., not less than 5 ft. in width, and not covered over except by a grating or railing. (This proviso is identical with that in the County Council by-laws.) 702

- (b) To a water-closet of which the floor is not more than 5 ft. below the pavement or general level of the ground, if such water-closet is not less than 3 ft. in width, 4 ft. 6 ins. in length, 6 ft. 6 ins. in height, and is lighted and ventilated by a window, open grating, or glass louvres, not less than 2 ft. in height nor 6 sq. ft. in area, which window is placed not less than 6 ins. above the pavement or general level of the ground upon which the water-closet abuts. (No such proviso is found in the County Council by-laws.) 729

A water-closet is not to be approached directly from any room used for the purpose of human habitation, or where any person or persons are employed, or which is used for the manufacture, preparation, or storage of food for man, or used as a factory, workshop, or workplace, except where any other mode of construction may be impracticable. "In any such excepted case"—thus runs the by-law—the person carrying out the work "shall so construct such water-closet that it shall be approached through a lobby, corridor, or landing properly ventilated to the external air." From the wording of this latter phrase one gains the impression that the provision of ventilated lobbies is not considered in all cases to be a compliance with the by-law. But it would seem to be most difficult successfully to contend that a water-closet was approached "directly" from a room if the entrance to it was through a ventilated lobby.

A water-closet abutting on any room of the before-mentioned kind is to be enclosed on the side upon which it abuts on such room by a solid wall or partition of brick or other materials at least 2 ins. thick, extending from the floor to the ceiling. This requirement is similar to one in the County Council by-laws, with the exception that, in such by-laws, the thickness of the wall or partition is not specified. Other requirements as to the provision of a window, the flooring of the closet, the provision of means of constant ventilation, the construction of apparatus, etc., are very similar to those in the County Council by-laws. 730 702

Soil and Waste Pipes, Etc. The remainder of the City sanitary by-laws, which deal with the construction of soil, waste, and anti-syphonage pipes, and with the fixing of slop sinks and urinals, are very similar to the County Council by-laws, made under the Metropolis Management Act, 1855, although slight variations sometimes occur. The specified thicknesses of lead and cast-iron pipes are, however, exactly the same in both sets of by-laws. 730 693

It is important to notice that although the by-laws are stated in the heading to be "with respect to water-closets, earth-closets, privies, ashpits, cesspools and receptacles for dung," they contain no requirements as to earth-closets, privies or ashpits. It should further be noted that the by-laws do not apply to common lodging-houses. 734

Hygienic Requirements. A large proportion of the hygienic requirements mentioned in Chapter 5 are contained in the Public Health (London) Act, 1891, and thus it is important to note to what extent this Act applies in 48

444 the City. It is provided in section 133 that in the application of the Act to the City of London four modifications are to be made. These are to the following effect, the term "Corporation" being substituted for the term "Commissioners of Sewers":—

- (1) There is to be no appeal from the Corporation to the County Council;
- (2) The by-laws made by the County Council are not to extend to the City;
- (3) The powers of the County Council to proceed in case of default of a sanitary authority are not to extend to the Corporation.

The fourth modification refers to a detail of local administration, and therefore requires no specific mention. It is also provided in section 19 of the
 428 Act, which section has reference to offensive trades, that in the application of such Act to the City, the Corporation are to be substituted for the County
 429 Council. Further, section 20 of the Act, which relates to the licensing of cow-houses and slaughter-houses, does not apply in the City. Under certain repealed provisions of the City of London Sewers Act, 1848, all slaughter-houses in the City are registered, and the using or occupation of "a place" as a slaughter-house which was not so used previously to the passing of the Act was originally prohibited. This provision was, however, modified by section 20 of the City of
 335 London Sewers Act, 1851, which provides that the Corporation may grant licences from time to time for the erection of slaughter-houses or for the use of buildings as slaughter-houses upon such conditions as they may think fit. Special by-laws with regard to slaughter-houses apply within the City. These
 334 by-laws, and also the City regulations as to common lodging-houses, and the regulations with regard to milkshops, are not included in this volume, as they are of comparatively restricted application, and there will presumably be no difficulty in obtaining a copy of any required set of by-laws or regulations at the Guildhall. It should be noted that the milkshop regulations require that all utensils used for the reception, storage, or delivery of milk are to be kept covered.

542 As regards other Acts in which hygienic provisions occur, the Factory and
 417 Workshop Acts, the Disused Burial Grounds Act, 1884, and the Housing and
 596 Town Planning Act, 1909, apply in the City without modification. The
 337 Common Lodging Houses Acts and Part IX. of the London County Council
 554 (General Powers) Act, 1902, apply in the City. The Petroleum Acts apply
 397 with the important modification that the Corporation, and not the County Council, is the licensing authority.

Position of Buildings with regard to Streets. The "prescribed distance" provisions of the London Building Acts, 1894 and 1898, apply in the
 , 459 City. The only difference in this portion of the law in the City is that the amendment of section 13 of the 1894 Act as effected in section 4 of the 1898
 531 Act does not apply in the City. Thus, in the City, the law which prohibits the erection without the consent of the County Council of a dwelling-house for the working classes within a certain distance from the centre of the roadway to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of the street, applies only to buildings which are within the prescribed distance. Outside the City the requirement applies to buildings within 20 ft. from the centre of the roadway, and thus operates more stringently than in the City in the case of a building abutting on a footway.

Part III. of the 1894 Building Act, which deals with lines of building frontage, does not apply in the City, its place being to some extent taken by the provisions of the City of London Sewers Act, 1848. Section 153 of this Act provides that if any building which projects beyond the regular line of the street in which it is situated, or beyond the front of the building wall or railing on either side, is at any time taken down to be rebuilt or altered, the Corporation may require it to be set back to such a line and in such a manner as they may require. Full compensation is to be paid to the owner for any damage which he may sustain.

Projections. The question of "projections" has been dealt with at length in Chapter 6, and it was there pointed out how two sections—sections 22 and 73—of the 1894 Building Act may be considered to have reference to this subject. Section 22 obviously does not apply in the City, for it occurs in Part III. of the Act. It also seems very probable that those portions of section 73 (namely sub-sections 5 and 8) which refer to projections in front of the general line of buildings, a line whose position can be determined only by the application of Part III. of the Act, do not extend to the City. As regards the remaining provisions of the section, it is generally considered that they apply in the City. The Corporation, under sections 154 to 156 of the City of London Sewers Act, 1848, have powers with regard to the removal of projections in the City which are very similar to those possessed in the rest of London by the Borough Councils under the Metropolis Management Act, 1855. In the case of the compulsory removal of a projection erected before the commencement of the Act of 1848, reasonable compensation is to be paid. This, in any case of dispute, is to be determined by a justice.

Section 51 of the City of London (Various Powers) Act, 1900, prohibits the erection of a bridge or other structure across a street without the consent of the Corporation being obtained, in addition to the consent of the County Council under the 1894 Building Act, which will usually be required under sections 13, 73, and 82 of such Act. Under section 53 of the Various Powers Act of 1900 the Corporation have power to fix to the external wall of any building fronting a street "any brackets, wires, pipes, lamps, and apparatus as may be necessary or convenient for the public lighting of streets within the City." Compensation for injury sustained is to be made, the amount of such compensation being determined, in default of agreement, by arbitration under the Arbitration Act, 1889. Special provisions apply to the buildings of railway companies. Buildings and structures vested in and in the occupation of the Government or the Crown are exempt from this section.

Height of and Air Space about Buildings. Part V. of the London Building Act, 1894, which deals with the air space about buildings and the height of buildings, applies without any modification in the City.

Construction of Buildings. The law in the City with regard to the general construction of buildings is the same as in the rest of London, with the noteworthy exception that the by-laws affecting chiefly the materials of construction, and the provisions of section 84 of the 1894 Building Act as to wooden structures, do not apply. The law with regard to the construction of vaults and cellars is very similar to that in the rest of London, the consent of the

326 City Corporation under section 125 of their Act of 1848 being a necessary
precedent to the execution of any works of this nature. In the rest of London
it is necessary to obtain the consent of the Borough Council under the Metropolis
344 Management Acts. The City authorities, of course, also control the erection
330 of hoardings, which cannot be erected without a licence. The provisions of
482 Part VIII. of the 1894 Building Act with regard to party structures apply
without modification in the City.

735 Special regulations as to the demolition of buildings, the erection of
736 hoards and scaffolds, and as to the making of applications for vaults, pavement
739 lights, etc., apply in the City. The hoarding regulations contain a scale of
charges for the erection of hoardings, and specify the additional payments to be
made for the right to advertise.

489 **Dangerous Structures.** Part IX. of the 1894 Building Act, which deals
with dangerous and neglected structures, applies in the City, but is administered
in this area by the City Corporation instead of the County Council. The
Corporation have exactly similar powers to those exercised by the County
Council throughout the rest of London. In the administration of the
dangerous structure provisions the City authorities in exercising their duty
of appointing a surveyor to survey and report upon a dangerous structure
make it a general rule to appoint a surveyor in private practice, whereas the
County Council appoint the district surveyor.

494 Part XII. of the Act, which has reference to sky signs, is also administered
497 by the Corporation. The County Council have not the right in the City, as
they have in the rest of London, to take proceedings, in default of the local
authority, to obtain the removal of sky signs.

545 **Means of Escape in Case of Fire.** The several provisions of the Factory
558 and Workshop Act, 1901, the 1905 Amendment of the Building Act, and
554 Part IX. of the London County Council (General Powers) Act, 1902, which
have reference to the question of means of escape in case of fire, apply without
modification in the City.

General Summary. It will be seen from the foregoing remarks that the
chief points to be observed in comparing the building and sanitary law in the
City with that in the rest of London are the existence of different requirements
as to sewerage, drainage, the paving of private streets, and, as to several
questions of hygiene, the non-existence of by-laws affecting principally the
materials used in the construction of buildings, the fact that the frontage
line provisions of the 1894 Building Act do not apply, and that there is
a difference in the administration of the dangerous structure provisions of
such Act. The other differences which exist are for the most part of small
importance.

CHAPTER 17

STATUTORY RIGHTS BETWEEN PRIVATE PARTIES

Recovery and Apportionment of Expenses.

In the provinces the rights of owners of party walls are not set forth in any statute, and consequently recourse must be had in cases of dispute to the common law with its accompanying complexities and uncertainties. But in London the rights of building and adjoining owners are defined to a very detailed extent in Part VIII. of the 1894 Building Act, and special provisions are set forth for the settlement of disputes by a form of arbitration. 482

This, though by far the most important, is not the only instance in metropolitan legislation where the rights between private parties are specifically determined by law. Instances occur in the Metropolis Management Acts, in the Public Health (London) Act, 1891, in the City of London Sewers Acts, 1848 and 1851, and in other portions of the 1894 Building Act. Further, in connection with the execution of works for means of escape in case of fire, both the Factory and Workshop Act, 1901, and the 1905 Amendment of the London Building Acts contain provisions for the apportionment of expenses incurred in carrying out such works. In order that these less frequently applied provisions affecting private parties should not be overlooked, they are here dealt with first.

Recovery of Expenses by Authorities. In section 96 of the Metropolis Management Amendment Act, 1862, and in section 121 of the Public Health (London) Act, 1891, it is provided, in language somewhat similar in each case, that the sanitary authority may require any costs or expenses recoverable under the Act to be paid either by owner or occupier, but an occupier cannot be required to pay any further sum than the rent for the time being due from him, and he is entitled to deduct any sum which he may pay, from the rent otherwise payable to his landlord. Section 97 of the 1862 Act also admits of payments made being deducted from rent due to a superior landlord, but it is provided in both Acts that nothing is to affect any contract between landlord and tenant as to the payment of "all rates, dues, and sums of money." The exact wording of the sections in which these provisions are to be found is somewhat involved. Needless to say, in this, as in all other cases where practical questions are concerned, nothing should be done without consulting the Acts themselves. 373

Sections 4 and 5 of the Metropolis Management Amendment Act, 1890, provide that where a sewer or connections to a sewer are made contrary to plans approved, and costs and expenses are incurred by the County Council or Borough Council in reconstructing the work, and there are several owners 420

concerned, the costs and expenses are to be recoverable from the different owners in proportion to the rateable value of their premises. It is provided in section 51 of the City of London Sewers Act, 1851, that where the Corporation execute works which are compulsory on the owners of premises, they may recover the costs and expenses in the first instance from any one of the parties interested in the premises. Such party may then recover from the other parties a proportionate part of the costs and expenses according to the respective interests of such parties in the premises.

Expenses under the London Building Act, 1894. The question of the recovery of expenses under the London Building Act, 1894, either by an administrative authority or by a building or adjoining owner, is dealt with in section 173 of the Act. It is there provided that either the owner "immediately entitled in possession to the premises," or the occupier, shall in the first instance pay the expenses. An occupier, however, is not liable to pay an amount exceeding the sum which will accrue due from him as rent during the period of his occupancy. If there are successive owners of the premises, each one is liable to contribute to the expenses in proportion to his interest. Any difference as to the amount of contribution is to be decided by arbitration. An occupier who has paid expenses may deduct the amount from the rent, and an owner who has paid more than his due proportion of the expenses may deduct the excess from any rent payable by him to any other owner.

Apportionment of Expenses by Authorities. It is provided in section 215 of the Metropolis Management Act, 1855, that where two or more persons are required by the Act jointly to pay any costs or expenses, the Borough Council may apportion the same between the parties. The City Corporation have similar rights as to the apportionment of expenses under section 237 of the City of London Sewers Act, 1848.

Apportionment of Expenses by the Courts. Section 7 of the Factory and Workshop Act, 1901, enacts that, when means of ventilation are required under the Act to be provided in a factory or workshop, the occupier, if he considers that the whole or a part of the expenses ought to be borne by the owner, may apply to the police Court. The Court may then make such order concerning the expenses as may seem just and equitable under the circumstances of the case, having regard to the terms of any contract between the parties. There is a very similar provision in section 101 of the Act, as regards a case where structural alterations are carried out in an underground bakehouse, in order that the necessary certificate may be obtained from the sanitary authority. It is also enacted in section 14 of the Act that where expenses have been incurred in providing means of escape from a non-certificate factory or workshop, and the owner considers that the occupier ought to bear or contribute to the cost of the work, he may apply to the County Court. The Court, after hearing the occupier, may make such order as appears to it to be just and equitable under all the circumstances of the case.

It should be noted that in the first two cases it is the occupier who may demand that the owner shall bear the whole or a portion of the expenses, whereas in the third case the positions are reversed, the owner being able to

claim that the occupier shall bear some of the cost. Also in the first two cases the jurisdiction lies with the police Court, and in the third case with the County Court. It has been held by the Court of Appeal in *Horner v. Franklin* [(1905) 1 K. B. 479] and in *Stuckey and Others v. Hooke* [(1906) 2 K. B. 20] that these references to the police Court or the County Court, as the case may be, prevent an owner from bringing an action on the covenant of a lease in the High Court, even where the expenses in question are recoverable under the terms of the covenant. Application must always be made to the inferior Court specified in the section under which proceedings are taken.

Section 20 of the London Building Acts (Amendment) Act, 1905, contains a very similar provision as regards apportionment of expenses to that of section 14 of the Factory and Workshop Act, 1901. But in this case the several interests which occur in connection with many London buildings are recognised, and are specially provided for. The County Court, upon receiving an application from the owner with reference to the apportionment of expenses is thereupon required to summon not only the occupier but "the several persons entitled to any estate or interest in the building" to appear before the Court, and the Court may make an order concerning the expenses or their apportionment among all the several persons entitled to any estate or interest in the building as appears to the Court to be just and equitable in the circumstances of the case. In this Act also it is specifically provided that regard is to be had "to the terms of any lease or contract affecting such building." These provisions both of the Factory and Workshop Act, 1901, and of the 1905 Amendment of the Building Acts are perhaps not so familiar to owners as they should be. Where an owner has provided means of escape which materially improve premises held at a fixed rent under a lease, it is most desirable that he should be aware of the statutory power which he possesses of applying to the County Court for a fair apportionment of the heavy expenses to which he may have been put. The occupier of premises coming within the scope of section 7 or 101 of the Factory and Workshop Act, 1901, should also be aware of his rights under such section. 565

Damage Sustained by Occupier. Where works are carried out under the 1905 Amendment Act, and an occupier claims to have sustained damage "directly and solely caused by the construction of any works carried out under this Act," it is provided by section 21 that such a claim is to be referred to arbitration, and the arbitrator is to determine how such damage shall be borne by the persons interested in the building, "having regard to all the circumstances of the case, including the terms of any lease or contract affecting such building." 565

Rights of Owners as to Party Structures.

As has been already mentioned, Part VIII. of the London Building Act 1894, deals very fully with certain rights of parties owning land or buildings immediately adjoining one another. The rights considered are those with regard to party structures, and in addition the course of procedure to be followed in the event of a dispute arising between owners in relation to a 482

party structure is specified in detail. The Act does not deal with rights of light, support, or other easements; these in the metropolis as elsewhere are regulated by the common law. Reference to the Act itself is, of course, desirable, and in the present instance this course presents few difficulties, as, with the exception of the definitions of terms used, practically all the law in relation to the subject of party walls and other party structures in London is contained in this Part VIII. of the 1894 Act. These provisions are, however, rather involved, and therefore a general summary will be attempted with a view of emphasising the salient points.

Definitions. It is necessary first to see what significance must be given to the several expressions which occur throughout Part VIII. of the Act. The
456 definition of the term "owner" in section 5 (29) of the 1894 Building Act is quite different from the definitions of this term which are contained in other Acts applying in London. The exact wording of this definition has already
13 been quoted in Chapter 2, but it may be particularly emphasised in connection with party wall cases, where notices to owners have to be served, that, as the term owner is stated not only to apply to "every person in possession or receipt either of the whole or of any part of the rents or profits of any land or tenement," but also to apply to every person "in the occupation of any land or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will," it is evident that there are often several "owners" of the same building.

456 The terms **building owner** and **adjoining owner** are defined in section 5. These definitions, with the exception that the term "owner" has the significance already mentioned, are very much in accordance with the common acceptance of these terms. It will occasionally be necessary to consider whether a person's interest in property is sufficient to give him the rights of
118 an owner under the Act. The definition of **party wall** has been dealt with in
455 Chapter 9. That of **party structure** is as follows: "the expression 'party structure' means a party wall and also a partition, floor, or other structure separating, vertically or horizontally, buildings, stories, or rooms, approached by distinct staircases or separate entrances from without."

Persons Entitled to Notice. It has for long been considered a desirable practice, when proposing to carry out works affecting a party structure, to serve every person coming within the foregoing definition of "owner" with a notice of the nature required by the Act to be served on "the adjoining owner." In the case of *Crosby v. Alhambra Co.* [(1907) 1 Ch. 295] it was held that the service of a notice upon every owner was demanded by the Act. It was stated that the only exception to this rule occurs when an interest in premises is held by several persons in common. In such case, the service of a notice on one of such persons will be sufficient. It would therefore appear that anyone who
456 acts on behalf of an adjoining owner, and does not serve a notice on every person coming within the definition of "owner," runs the risk of having the work stopped, for presumably an injunction to this effect would be granted on the application of any owner of the party structure affected who had not received a statutory notice. The case governing this point is of rather recent date and is apparently not very widely known.

Part VIII. of the London Building Act, 1894, may for the sake of clearness be summarised as consisting of provisions dealing with—

- (1) The rights of a building owner.
- (2) The rights of an adjoining owner, and the consequent responsibilities of a building owner.
- (3) The settlement of differences between owners.
- (4) The apportionment of expenses between owners.
- (5) The service of notices by and between owners.

The requirements will be dealt with in this order, although such is not in many respects the order of the provisions in the Act. But, by use of the page-reference numbers in the marginal columns, the requirements as set forth in the summary may be compared with the full text of the Act. A little repetition will be necessitated in connection with the rights of owners as given in the summary, but the objection to this is more than counterbalanced by the fact that, under the grouping adopted, it is possible to turn to the portion of the text having a side-heading of "Rights of a Building Owner," or "Rights of an Adjoining Owner," as the case may be, and there find a full summary of the rights of such owner.

The Rights of a Building Owner, as stated in sections 87, 88, 92, and 93, are as follows (but also see second paragraph of (E), page 219):—

- (A) In the case of adjoining lands which are unbuilt on at the line of junction, he may erect a party wall on such line of junction if he first serves a notice on the adjoining owner and obtains his consent ;
- (B) If he does not desire or cannot get consent to build a party wall, and builds an external wall on his own land, he may, after having given the adjoining owner one month's notice, place the projecting footings and concrete foundation of the wall on the land of such owner below the level of the lowest floor.

Where there is an existing wall, and he builds a new wall against it, he may omit the footings of the new wall on this side, if he gets the consent of the district surveyor to do so ;

- (C) He may "make good, underpin, or repair" any party structure which is defective or out of repair ; it was held by the High Court in *Minturn v. Barry* (*Builder*, 31st March, 1911) that dampness in a party wall might render such wall defective within the meaning of section 88 (1).
- (D) He may pull down and rebuild any party structure which is so defective or out of repair as to render rebuilding necessary or desirable ;
- (E) He may pull down any timber or other partition dividing buildings which is not in accordance with the provisions of the Act, or, if erected prior to the Act, not in accordance with the provisions of the Acts in force before the commencement of the Act, and may build a proper party wall ;
- (F) In the case of buildings having intermixed rooms or stories the property of different owners he may pull down "such of the said rooms or stories or any part thereof" as are not built in conformity with the Act, or, if erected prior to the Act, are not in conformity with the Acts in force before the commencement of the Act, and he may rebuild the same in conformity with the Act ;

- 483 (G) In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons, he may pull down "such of the said buildings, arches, or communications, or such parts thereof" as are not built in conformity with the Act, or, if erected prior to the Act, are not in conformity with the Acts in force before the commencement of the Act, and he may rebuild the same in conformity with the Act.
- (H) He may raise and underpin any party structure permitted by the Act to be raised or underpinned, or any external wall built against such party structure, on condition that he makes good all damage and carries up the adjoining owner's flues;
- (I) He may pull down any party structure of insufficient strength for any building intended to be built, and rebuild the same of sufficient strength, upon the condition that he makes good all damage;
- (J) He may cut into a party structure, upon the condition that he makes good all damage;
- (K) He may cut away any footing or any projecting chimney breasts, jambs or flues, or any other projections from any party or external wall, upon the condition that he makes good all damage; but it should be noted that under the provisions of section 64 (19) no chimney breast built with or in any party wall may be cut away unless the district surveyor certifies that it can be done without injuriously affecting the stability of any building;
- 484 (L) He may cut away or take down such parts of any wall or building of an adjoining owner overhanging his (the building owner's) land as may be necessary to enable him to erect an upright wall against the same, on condition that he makes good all damage;
- (M) He may perform any other necessary works incident to the connection of a party structure with the adjoining premises;
- (N) He may raise a party fence wall or pull it down and rebuild it as a party wall;
- 486 (O) He may extend his building downwards to a lower level than the adjoining building if he complies with the provisions of section 93, which are referred to in (H) under the heading of "Rights of an Adjoining Owner";
- 486 (P) He and his servants, agents and workmen may, at all usual times of working, enter and remain on any premises for the purpose of executing work in pursuance of the Act, provided that before entering on any premises he shall give 14 days' notice both to the owner and occupier except in cases of emergency, when he shall give such notice as may be reasonably practicable.

The Rights of an Adjoining Owner, as stated in sections 89 and 94 and consequent responsibilities of a building owner, as stated in sections 87, 88, 92, and 93, are as follows:—

- 484 (A) He has the right in all cases before a party structure is affected to receive notice from the building owner, varying, in accordance with the particular kind of structure, from one to two months. The right

to delay the building owner's commencement of work of course can be, and often is, waived by the adjoining owner. The question of whether or not a party structure will be affected by any proposed work is obviously one of fact in each case;

- (B) He may refuse consent to the erection of a party wall, in which case the proposed wall must be built as an external wall on the building owner's land; 483
 - (C) Where a building owner places the projecting footings and foundation of an external wall on the land of an adjoining owner as allowed by the Act, the adjoining owner or occupier is entitled to compensation for any damage occasioned by such work. Any dispute as to the amount of such compensation is to be determined by a surveyor or surveyors in the manner provided for by the Act. 483
 - (D) The adjoining owner can demand that the building owner shall make good any damage in the following cases:—
 - (a) When the building owner raises or underpins any party structure or any external wall built against such party structure. The making good of damage in this case includes damage done to the internal finishings and decorations, and the building owner must also carry up "to the requisite height" all the adjoining owner's flues and chimney stacks on or against the party structure or external wall which is raised or underpinned. 483
 - (b) When the building owner pulls down any party structure which is of insufficient strength and rebuilds it. The making good of damage, in this case also, includes damage done to the internal finishings and decorations.
 - (c) When the building owner cuts into a party structure.
 - (d) When the building owner cuts away any footing or chimney breasts, jambs, or flues or other projections from a wall.
 - (e) When the building owner cuts away or takes down overhanging parts of an adjoining wall or building. 484
 - (E) Where a building owner proposes to exercise any of his rights in respect of party structures contained in section 88 (summarised as Nos. (C) to (N), both inclusive, in "Rights of a Building Owner"), the adjoining owner may by notice, accompanied if necessary by explanatory plans or drawings, require him to build on the party structure in question "such chimney copings, jambs, or breasts, or flues, or such piers or recesses or any other like works as may fairly be required" for his convenience. The building owner must comply with such requisition "in all cases where the execution of the required works will not be injurious to the building owner or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right." Any difference between owners is to be settled by a surveyor or surveyors in the manner provided for by the Act. 484
- Upon receiving such a requisition the building owner may, however, before commencing the works, but not afterwards, serve a counter requisition on the adjoining owner requiring him to give such

security for the payment of expenses as may be agreed upon, or in case of difference may be settled by the judge of the County Court. If the adjoining owner does not give such security within one month after the counter requisition, he is not entitled to compliance with his requisition.

484 (F) Where the building owner in the exercise of his rights under Part VIII. of the Act lays open any part of the adjoining land or building he must at his own expense "make and maintain for a proper time a proper hoarding and shoring or temporary construction for the protection of the adjoining land or building, and the security of the adjoining occupier."

(G) The building owner may not exercise any right conferred on him by the Act "in such manner, or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier." In *Hughes v. Percival* (1883, 8 App. Cas. 443), it was held that the building owner is personally liable for any damage to the adjoining building, and that the fact of his employing a contractor does not relieve him of responsibility. It would appear, however, from *White v. Peto Bros.* (1888, 58 L. T. 710) that where damages occur from negligence, and are not due to the work being of an exceptionally risky character, the builder is liable as well as the employer and may be sued by the injured party.

486 (H) Where a building owner intends to erect within 10 ft. of a building belonging to an adjoining owner, a building or structure any part of which, within such 10 ft., will extend to a lower level than the foundations of the adjoining owner's building, he must give such owner 2 months' notice, together with plans and sections showing the site of the proposed building and the depth of the excavation. He must also state whether he proposes to underpin or otherwise strengthen the foundations of the adjoining owner's building.

It is then open to the adjoining owner within 14 days to serve a counter notice, either disputing the necessity of the underpinning or strengthening of the foundations, or, if such work is not proposed, requiring such underpinning or strengthening. A difference will thereupon be deemed to have arisen between the owners which must be settled by a surveyor or surveyors in the manner provided for by the Act.

The building owner is liable to compensate both adjoining owner and occupier for any inconvenience, loss, or damage which may result to them from the exercise of his powers under the section dealing with underpinning (section 93), and nothing in the section relieves the building owner from any liability to which he would otherwise be subject in the case of injury to the adjoining owner, caused by his building operations.

487 (I) The adjoining owner may by notice require the building owner before commencing any work which he may be authorised by Part VIII. of the Act to execute, to give such security as may be agreed upon, or in case of

difference, as may be settled by the judge of the County Court, "for the payment of all such expenses, costs and compensation in respect of the work" as may be payable by such building owner;

Rights of Adjoining Occupier. It will be seen that in items (C), (F), (G), and (H) the adjoining occupier has certain rights.

Settlement of Disputes between Owners. In all cases where a difference between a building owner and an adjoining owner arises under Part VIII. of the Act, it is enacted that, except as regards questions of the giving of security, where the judge of the County Court has jurisdiction, disputes must be settled by a surveyor or surveyors appointed in the manner prescribed by section 91. If both owners concur in the appointment of a single surveyor, he is able to settle all questions which arise between the parties. But if, as is usually the case, they do not thus concur, each party is to appoint a surveyor, and the two surveyors thus appointed must select a third surveyor. Such three surveyors, or any two of them, will then settle any matter "from time to time during the continuance of any work to which the notice relates, in dispute between such building and adjoining owner," including the costs of the award.

Powers of Surveyors. The powers of surveyors appointed in any particular case under Part VIII. of the 1894 Act will extend and be restricted—in the words of section 91—to "any matter arising with reference to any work to which any notice given under this Part of this Act relates." Their powers do not extend to future matters. In *Leadbetter and Others v. St. Marylebone Borough Council* [(1904) 2 K. B. 893], where the surveyors in their award had authorised the owners on one side of a party wall to raise the wall at any time they might think fit, it was held that the award was *ultra vires*, and that the wall could not be lawfully raised except under the procedure as to the service of notice, &c., prescribed by the Act. As regards the right of the surveyors to award compensation to an adjoining owner or occupier for loss of trade, this appears to depend on the character of the work executed. It was held by the Court of Appeal in *Adams v. St. Marylebone Borough Council* [(1907) 2 K. B. 822], where a party wall had been raised under section 88, that the surveyors were right in refusing to award compensation for loss of trade, as there was no provision for such compensation in the section. It was, however, recognised by the Lords Justices that when works are carried out under three special provisions of the Act, namely, sections 87 (6), 93 (3), and 95 (2) (b), there is a right to claim compensation for, among other things, loss of trade. When the case was before the High Court, Mr. Justice Darling stated that where compensation for loss of trade could be awarded under the Act, he considered that it could be awarded by the surveyors. It would appear from the report of the proceedings in the Court of Appeal that the Lords Justices were inclined to accept this view.

Appeal. Any award given by a single surveyor if there is only one, or, in the other instance, by the three surveyors or any two of them, is conclusive, unless either of the parties to the difference appeals to the County Court within 14 days from the delivery of the award. The County Court has power in the ordinary way to rescind the award or modify it in such manner as it thinks

just. But, if an appellant from any award upon appearing before the County Court declares his unwillingness to have the matter decided by such Court, and proves to the satisfaction of the judge of the Court that if he loses the case he will be liable to pay a sum, exclusive of costs, exceeding 50*l.*, and also gives security, approved by the judge, to prosecute his appeal, the County Court proceedings will be stayed, and he may bring an action in the High Court. If the parties in any such action agree as to the facts a special case may be stated for the opinion of the High Court. These rights of appeal, however, are very rarely exercised. Property owners are usually willing to admit that the settlement of party wall disputes by duly appointed surveyors without recourse to the Courts proves both a just and expeditious arrangement.

485 *Appointment of Surveyors.* Several instances in which points of difficulty may arise in connection with the appointment of surveyors are specially provided for in the Act. These may be summarised as follows:—

(a) If either party makes default in appointing a surveyor for **10 days** after notice requiring such appointment has been served on him by the other party, such other party may make the appointment.

(b) Where the parties have concurred in the appointment of a single surveyor, if such surveyor refuses or if he “for **7 days** neglect to act or die”—which sounds rather melodramatic—or becomes incapable to act before he has made his award, the parties must start with a clean slate, and again appoint a surveyor or surveyors.

(c) Where two surveyors have been appointed, and they have selected a third, if this third surveyor refuses or for **7 days** neglects to act, dies, or becomes incapable to act, the two surveyors must select a third surveyor in his place.

486 (d) Where two surveyors are appointed, if these refuse, or for **7 days** after the request of either party neglect to select, in due form, a third surveyor, a Secretary of State may, on the application of either party, select a third surveyor.

(e) Where two surveyors are appointed, if before the difference is settled either of them dies or becomes incapable to act, the party who has appointed such surveyor may appoint some other surveyor to take his place. If such party for **7 days** after notice received from the other party fails to make such appointment, the other surveyor may proceed *ex parte*, and shall have the powers of a single surveyor appointed by agreement between the parties.

(f) Where two surveyors are appointed, if either of them refuses or for **7 days** neglects to act, the other surveyor may proceed *ex parte*, and shall have the powers of a single surveyor appointed by agreement between the parties.

487 *Apportionment of Expenses between Owners.* The question of expenses incurred under Part VIII. of the Act is dealt with in sections 95 to 100. Expenses must be borne—

(A) wholly by the building owner; or

(B) conjointly by the building and adjoining owner according, it

may be said, to the degree by which each benefits from the work executed.

Expenses to be borne by the *building owner*:—

- (1) Those of erecting a party wall on lands which are unbuilt on at the line of junction; 483
- (2) Those of raising or underpinning a party structure or external wall, together with the expense of complying with the Act in carrying up the flues or chimney stacks of the adjoining owner; 487
- (3) Those of pulling down and rebuilding a party structure which is not so far defective or out of repair as to render works of pulling down necessary or desirable, and of making good any damage including "a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner"; 488
- (4) Those of cutting into a party structure and making good any damage; 487
- (5) Those of cutting away any footing, chimney breast, jamb or floor, and making good any damage; 487
- (6) Those of raising a party fence wall in order to make it an enclosing wall of a building; 488
- (7) Those of pulling down a party fence wall and rebuilding it as a party wall. 488

If, however, at any time the adjoining owner makes use of any part of a party wall erected by the building owner, or makes use of any part of a party structure or external wall raised or underpinned by the building owner or of any part of a party fence wall pulled down and built as a party wall, to a greater extent than he did before the alteration, the Act provides that a due proportion of the expenses shall from time to time be borne by him, having regard to the use which he makes of the wall or walls in question. In valuing the correct share of the cost of a party wall which is to be borne by an adjoining owner who makes use of the wall for a portion of its height, such share of the cost is not required to be half the cost of that portion of the actual wall which is used by the adjoining owner, but half the cost of a wall of the thickness required by the Act for the adjoining owner's building. 483

This provision would seem to apply only to walls erected or raised under the provisions of the 1894 Act, in which case walls erected or raised under the Metropolitan Building Act, 1855, will be governed by the decision in *Williams v. Bull* (*Times*, Feb. 15th, 1890), where it was held that no payment for the increased use of a party wall could be claimed under such Act. 488

Expenses to be borne by the *two owners* in due proportion to the use that each owner makes or may make of the structure concerned:— 487

- (1) Those of making good or repairing a party structure which is defective or out of repair; 487
- (2) Those of pulling down and rebuilding a party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down; 487
- (3) Those of pulling down "any timber or other partition dividing a building" and replacing it by a proper party structure; 487

(4) Those of pulling down any intermixed rooms or stories or any parts thereof the property of different owners in any building, and rebuilding them in conformity with the Act;

(5) Those of pulling down any arches or communications over public ways or over passages belonging to other persons and rebuilding them in conformity with the Act.

489 The *adjoining owner* is required to bear all expenses incurred on his requisition.

488 Within one month after the completion of any work which a building owner is authorised or required to execute, and in which any portion of the expense is to be borne by an adjoining owner, the building owner must forward the adjoining owner an account in writing of the particulars and expense of the work, specifying any deduction for old materials, etc. If within one month after the delivery of such account the adjoining owner does not declare by writing to the building owner his dissatisfaction with the account, in which instance the dispute is to be settled by a duly appointed surveyor or surveyors in the ordinary way, he will be considered to have accepted the account, and in default of payment the amount can be recovered from him as an ordinary debt.

In dealing with the question of expenses, it would seem that the term "owner" is to be taken in the sense which it is ordinarily used. In the case of *In re arbitration Stone v. Hastie* [(1903) 2 K. B. 463] it was held that the surveyors were wrong in awarding a money payment to a tenant in respect of the increased use of a party wall previously raised by the lessors.

The Service of Notices between Owners. (Notices with regard to appointment of surveyors are dealt with under the heading "Settlement of Disputes between Owners.") A *building owner* is required by sections 87, 90, and 93 to give an adjoining owner a notice of—

484 1 month before exercising any of his rights in respect of a party fence wall.

2 months before exercising any of his rights in respect of a party wall or party structure, other than a party fence wall.

483 1 month before projecting footings on the land of the adjoining owner.

486 2 months before erecting a building or structure within 10 ft. of the adjoining owner's building and at a lower level than the foundations of such building.

Unless he gets the consent in writing of the adjoining owner and occupier, or unless in either of the two first-mentioned cases the wall or party structure is dangerous. In the notice he must state the nature and particulars of the intended work and the time when it is proposed to be commenced.

486 14 days, except in cases of emergency, before entering any premises to do any work. The occupier in this case must also be served with a notice.

484 A party wall or structure notice is not available for the exercise of any right unless the work to which the notice relates is begun within 6 months after service and "is prosecuted with due diligence."

If a building owner, having received a requisition for works from an adjoining owner, desires to serve a counter-requisition demanding security,

this must be served before commencing the work to which the requisition relates. 487

A building owner must serve his account of the expenses to be borne by an adjoining owner within 1 month after the completion of the work which he is authorised or required to execute. 488

An *adjoining owner*, after the receipt of a notice or account from a building owner, is required by sections 90, 93, and 97 to give him notice within—

1 month, if he (the adjoining owner) requires work to be executed in connection with a party structure ; 484

14 days, in a case where he is entitled either to dispute the necessity of, or to require, the underpinning or other strengthening of the foundations of his building ; 486

1 month, if he desires to dispute an account for works executed in connection with a party structure. 488

If an adjoining owner desires to require a building owner to give security for damages, etc., in respect of work proposed, he must give the building owner notice to this effect **before the work is commenced**. 487

If an adjoining owner desires to secure compliance with his requisition for works in connection with a party structure, after having been served with a counter-requisition requiring security, he must give such security within 1 month of the receipt of the counter requisition. 487

Provision affecting Both Owners. If either owner do not within 14 days after the service on him of any notice express his consent, he will be considered as having dissented, and a difference will be deemed to have arisen between the two owners, and the provisions with regard to the settlement of differences by a duly appointed surveyor or surveyors will consequently apply. 485

It should be noted that, while in this case failure to reply to a notice constitutes dissent, the contrary applies in the case of the receipt of an account by an adjoining owner, where failure to dissent within the limit of time constitutes an acceptance of the account. 488

The provisions of sections 187 and 188 of the 1894 Building Act having reference to the service of notices demand attention. In ordinary cases the most convenient method of service will be that of sending a copy of the notice by registered letter to the address of the person required to be served. 506

R. I. B. A. Notice Forms. The Royal Institute of British Architects publish notice forms for service under the London Building Act. These forms, which are the copyright of the Institute, are as follows :—

- | | | |
|--------|-----|---|
| Form A | ... | For work to party structures. |
| „ B | ... | For erecting a building or structure within 10 ft. of and at a lower level than the adjoining owner's building. |
| „ C | ... | For projecting footings into the land of the adjoining owner. |
| „ D | ... | For building a party wall. |
| „ E | ... | For the appointment of a third surveyor. |

The forms are largely used in practice, and may be obtained at the offices of the Institute, 9, Conduit Street, Hanover Square, W., price threepence each.

Miscellaneous Provisions of Part VIII. Among the miscellaneous provisions of Part VIII. of the 1894 Act are those of section 101, which are to the effect that nothing in the Act is to authorise any interference with an easement of light or other easements in or relating to a party wall, or prevent any person preserving or restoring a light in a party wall in the event of the wall being pulled down or re-built.

In the case of party structures which are dangerous the ordinary provisions of Part IX. of the 1894 Act apply, and the service of a notice under Part VIII. is not required. In the event of such a structure being condemned to be pulled down it is obvious from the already quoted provisions of section 95 (1) (b) that the expenses of rebuilding such a structure would have to be apportioned between the owners, whereas if it were both not dangerous and in fair repair, the expense of rebuilding, if it were pulled down, would have to be borne wholly by the building owner. I am afraid that cases are not unknown where an appreciation of these facts has led the building owner and his agents to hold highly pessimistic views of the stability of a party wall required in any case to be pulled down by them prior to the erection of the new building.

CHAPTER 18

NOTICES, APPLICATIONS, APPEALS, AND EXEMPTIONS

It is obvious that a person erecting buildings in London should know in the case of what work the submission of plans to the County Council, local authority, or district surveyor, and the obtaining of the approval of the authority to whom plans are submitted, are compulsory. It is also equally necessary, in the interests of his client, that he should be acquainted with the many cases in which it is possible to apply to the County Council for consent to an arrangement or method of construction which is not in accordance with the general provisions of the law. A third point of equal importance is a knowledge of the cases in which there is the right of appeal against the decisions of the various administrative bodies, or the right of appeal from a police Court to Quarter Sessions, or in which there is the right of reference to arbitration. A further point, also of great importance, is a knowledge of the exemptions from the several Acts.

Notices and Compulsory Submission of Plans.

The building law provides that in certain cases notice must be given and plans submitted to, respectively, the County Council, local authority, or district surveyor, and, in some cases, consent obtained before works are commenced.

The submission of plans to the *County Council* is required as regards—

- | | |
|---|------------|
| (1) The formation of streets.* (Section 7, L. B. A., 1894.) Also, any proposed name of a street must be approved by the County Council. (Section 32, L. B. A., 1894.) | 457
464 |
| (2) The adaptation of streets or ways for carriage or foot traffic.* (Section 10, L. B. A., 1894.) | 458 |
| (3) The widening of streets or ways to a less extent than the prescribed distance, and the making of certain ways into highways. (Sections 10 and 16, L. B. A., 1894.) | |
| (4) The proposing of town planning schemes by owners of land. (Section 54, H. & T. P. A., 1909.) | 601 |
| (5) The connection of drains with main sewers. (Section 49, M. M. A. A., 1862, and section 4, M. M. A. A., 1890.) | 365
420 |
| (6) The erection of buildings over or under main sewers. (Section 204, M. M. A. A., 1855, and section 68, M. M. A. A., 1862.) Consent when given is usually in the form of a licence. | 352
369 |
| (7) The execution of flood prevention works. (Section 5, M. M. A. A., 1879, and section 41, L. C. C. G. P. A., 1907.) | 403
572 |

* Signifies that there is a right of appeal.

- 493 (8) The erection of dwelling-houses on low-lying land which cannot be drained to a sewer.* (Section 122, L. B. A., 1894.) Consent in this case is given by licence.
- 428 (9) The "establishing anew" of offensive trades outside the City, (Section 19, P. H. L. A., 1891.) In the City, the Corporation are in this case the administrative authority.
- 468 (10) The erection of working class dwellings not abutting on a street.* (Section 42, L. B. A., 1894.)
- 633 (11) The erection of theatres and other places of public resort. (Regulations made under section 12, M. M. & B. A. A., 1878.)
- 643 (12) The design and construction of electric lighting and heating installations in places of public resort.† (Rule 42 of Regulations made under section 12, M. M. & B. A. A., 1878.)
- 481 (13) The erection of special buildings and structures. (Section 82, L. B. A., 1894.)
- 482 (14) The erection of temporary buildings and structures. (Section 83, L. B. A., 1894.) Consent in this case is given in the form of a licence.
- 513 (15) The erection of buildings in connection with the supply of electricity. (Section 203, L. B. A., 1894.)
- 545 (16) The provision of means of escape from new factories and workshops in which more than 40 persons will be employed. (Section 14, F. & W. A., 1901.)
- 559 (17) The provision of means of escape from new "high" and 20-person buildings.* (Section 7, L. B. A. A., 1905.)

In cases 1, 2, 3, 10, 13, 14, 15, 16, and 17, applications should be addressed to the superintending architect; in other cases applications should be addressed to the Clerk of the Council. In all the foregoing cases, the applicants may be either private parties or local authorities.

Plans are required to be submitted by the Borough Councils to the County Council in the following further instances, for:—

- 365 (1) The construction of sewers, as proposed, either by the Borough Council, or by some person who has applied to the Borough Council for consent. (Sections 45 and 48, M. M. A. A., 1862.)
- 529 (2) The erection of sheds for the protection of plants and gardening implements on disused burial grounds. (Section 49, L. C. C. G. P. A., 1897.)
- 541 (3) The erection of lavatories or sanitary conveniences on disused burial grounds. (Section 29, L. C. C. G. P. A., 1900.)

The submission of plans to the *Borough Council* is required as regards—

- 365 (1) The construction of sewers.* (Section 47, M. M. A. A., 1862.)
- 352 } (2) The erection of buildings, etc., over or under subsidiary sewers.
369 } (Section 204, M. M. A., 1855, and section 68, M. M. A. A., 1862.)
Consent, when given, is usually in the form of a licence. The question of whether or not there is a right of appeal to the County Council depends on the construction of section 211 Metropolis Management Act, 1855.

* Signifies that there is a right of appeal.

† Signifies that there is a right of reference to arbitration.

- (3) The construction of a drainage system and the provision of sanitary fittings.* (By-laws under M. M. A. A., 1899.) 691
- (4) The erection of sanitary conveniences, etc., accessible from a street. (Section 45, P. H. L. A., 1891.) 437
- (5) The construction of vaults and cellars under streets. (Section 101, M. M. A., 1855.) The question of whether or not there is a right of appeal to the County Council depends on the construction of section 211, Metropolis Management Act, 1855. 344 353

Apparently, although the wording of the City of London Sewers Act is not so precise, the *City Corporation* have similar powers to the foregoing under the City Acts, and there is no appeal from their decision. They have also power, under the City of London (Various Powers) Act, 1900, to prohibit the erection of bridges or other structures across streets unless plans are submitted to them and their consent obtained in addition to the consent of the County Council under the London Building Act, 1894. Consent when given by either authority is usually in the form of a licence. 541

By section 6 of the Metropolis Management Amendment Act, 1890, the consent of the Borough Council must be obtained to the foundation of a street formed on land from which the sub-soil has been excavated.* Also, under section 32 of the London County Council (General Powers) Act, 1890, notice must be given to the Borough Council in the case of the erection or demolition of a house, building or wall, within 10 feet of a public thoroughfare. The provisions as to the obtaining of consent, etc., to the breaking up of streets in the City are contained in sections 133 to 142 of the City of London Sewers Act, 1848; the procedure in the rest of London is regulated by sections 109 to 114 of the Metropolis Management Act, 1855. 421 419 327 346

Application to the *justices* must be made if a highway is required to be stopped up or diverted. But, if the steps are taken under the Highway Act, 1835, application can only be made by the Borough Council, and any person who desires to set the machinery of the Act in operation must consequently approach the Borough Council. { 307 316 316

The submission of plans to the *district surveyor* is required as regards—

- (1) The erection of public buildings.* (By-laws under M. M. and B. A. A. A., 1878.) 724
- (2) The erection of steel frame buildings.* (Section 22, L. C. C. G. P. A., 1909.) Also notice in respect of any building or structure or work must be given to the district surveyor. (Section 145, L. B. A., 1894.) 593 499

Renewable Licences. In addition to the foregoing cases in which consent for an indefinite time or consent under licence for a limited time may be obtained, there are several cases in which premises may not be occupied without a licence, which, except in the case of temporary works, is generally renewed from year to year during the good behaviour of the licensee. In applying for a licence, plans will usually be required in order to show the character and situation of the premises concerned.

Licences must be obtained from the *County Council* as regards—

* Signifies that there is a right of appeal.

- 397 (1) The storing of petroleum outside the City in cases where the petroleum is not for use in motor vehicles, or where the regulations of the Home Secretary will not be complied with.* (Sections 7 and 8, P. A., 1871.)
- 554 (2) Common lodging-houses.* (Section 46, L. C. C. G. P. A., 1902.)
- 528 (3) Seamen's lodging-houses. (Section 214, M. S. A., 1894.)
- 429 (4) Slaughter-houses and knacker's yards outside the City. (Section 20, P. H. L. A., 1891.)
- 429 (5) Cow-houses outside the City. (Section 20, P. H. L. A., 1891.)
- 557 (6) Depôts for receiving horses for slaughter, or dead horses, outside the City. (Section 53, L. C. C. G. P. A., 1903.)
- 319 (7) Theatres and other places of public resort, except places licensed for the performance of stage plays in certain areas where the Lord Chamberlain is the licensing authority. Authority of Council is derived from the Local Government Act, 1888. As regards applications for provisional licences, see section 13, M. M. & B. A. A. A., 1878.
- 400 (8) Cinematograph "theatres." (Section 2, C. A., 1909.)
- 605 Licences must be obtained from the *City Corporation* as regards—
- 397 (1) The storing of petroleum in cases where the petroleum is not for use in motor vehicles, or where the regulations of the Home Secretary will not be complied with.* (Sections 7 and 8, P. A., 1871.)
- 335 (2) Slaughter-houses. (Section 20, C. of L. S. A., 1851.)
- 330 (3) Builders' hoardings. (Section 162, C. of L. S. A., 1848.)
- 334 Also common lodging-houses in the City are required to be registered by the Corporation.
- Licences must be obtained from the *Borough Council* as regards—
- 348 (1) Builder's hoardings. (Section 122, M. M. A., 1855.)
- 482 (2) Wooden structures. (Section 84, L. B. A., 1894.)
- 406 Sections 16 and 19 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879, provide that no works may be constructed upon the bed or shore of the river Thames or the river Lea without the consent of, respectively, the Thames Conservancy Board and the Lea Conservancy Board.

Optional Applications to County Council.

In addition to the cases where the submission of plans to administrative authorities is compulsory, there are many instances in the London Building Acts, and the 1908 and 1909 General Powers Acts amending the same, where application for consent to do something contrary to the ordinary requirements of the law may be made. In practice, frequent advantage is taken of this right to apply for special treatment.

The question of whether an application should correctly be classed as "compulsory" or "optional" is in a few cases one of difficulty, as the decision depends on the point of view taken. The method here adopted has been, if anything, to extend the list of compulsory applications at the expense of the optional list; this latter is practically restricted to cases where the making of

* Signifies that there is a right of appeal.

an application is the requesting of a concession as regards some requirement, which in the majority of cases is complied with.

Application may be made to the *County Council* for special treatment as regards the following:—

- (1) The erection of buildings within the prescribed distance from the centre of the roadway. (Sections 13* and 17, L. B. A., 1894.) 459
- (2) The erection of buildings, structures, or projections in advance of the general line of buildings. (Sections 22 and 73, L. B. A., 1894.) { 463
477
- (3) The provision of open space about buildings, when—
 - (a) The boundary of the space at rear is so irregular that doubt arises as to the correct method of measurement.* 465
 - (b) The Council's acceptance of an open space that is "secured" by covenant or otherwise is desired.
 - (c) A building is situated at the corner of two streets, or at the corner of a street and a properly secured open space.*
 - (d) The shape of the land is so irregular that the provisions of section 41 cannot be applied.*
 - (e) It is desired to provide an equivalent air space.*

In such cases, but in no others under the section, it is possible to apply for special treatment. (Section 41, L. B. A., 1894.)
- (4) The re-erection of certain domestic buildings.* (Section 43, L. B. A., 1894.) 468
- (5) The provision of open space about buildings proposed to be erected on a cleared area.* (Section 44, L. B. A., 1894.) 469
- (6) The erection of lofty buildings. (Sections 47* and 49, L. B. A., 1894.) 469
- (7) (a) The removal of refuse from the site of a proposed building; (b) the provision of a 6 in. layer of concrete over the site of a building; (c) the provision of foundations to walls; (d) the quality of concrete; (e) the quality of the substances of walls; (f) the thickness of concrete walls; (g) certain fees payable to district surveyors; (h) the deposit of plans and sections of public buildings with the district surveyor. (By-law 7 made under M. M. & B. A. A. A., 1878.) 724
- (8) The omission of footings of walls. (Rule 9, Preliminary to First Schedule, L. B. A., 1894.) 516
- (9) The thickness of walls of buildings, other than public buildings, when constructed of materials other than brick, stone, etc. (Rule 4 in Preliminary, and Rule 13 in Part II., First Schedule, L. B. A., 1894.) { 516
520
- (10) The use of timber in external walls. (Section 55, L. B. A., 1894.) 471
- (11) The construction of furnace chimney shafts. (Section 65, L. B. A., 1894.) 475
- (12) The construction of projections. (Section 73, L. B. A., 1894.) 477
- (13) The restoration of historic buildings. (Section 191, L. B. A., 1894.) 507
- (14) The alteration of existing buildings. (Section 207, L. B. A., 1894.) 514
- (15) The re-erection of an external or party wall of less than the statutory thickness. (Section 208, L. B. A., 1894.) 514

* Signifies that there is a right of appeal.

- 514 | (16) The conversion of buildings in such a way that they do not conform
563 | with the ordinary requirements of the law. (Section 211, L. B. A., 1894,
and section 13, L. B. A. A. A., 1905.)*
- 584 (17) The provision of additional cubical extent in the case of buildings
of which the cubical extent is otherwise limited. (Section 17, L. C. C.
G. P. A., 1908.)
- 584 (18) The adoption of horizontal sub-division by floors instead of vertical
sub-division by means of division walls. (Section 17, L. C. C. G. P. A.,
1908.)
- 585 (19) The uniting of buildings so as to contravene the ordinary require-
ments, the formation of larger openings in party and division walls
than those allowed by the requirements; the construction, otherwise
than in accordance with the ordinary requirements, of doors to close
such openings; the retention of openings in party walls. (Section 18,
L. C. C. G. P. A., 1908.)
- 586 (20) The construction of division walls. (Section 19, L. C. C. G. P. A.,
1908.)
- 663 (21) The use of apparatus for purposes of stage effect that do not comply
with the County Council regulations as to boilers, heating, etc. (Reg. 47
of Rules to be observed by licensees.)
- 594 (22) The construction of certain specified details, including the thickness
of party walls, in the erection of steel-frame buildings.* (Sub-section 34,
section 22, L. C. C. G. P. A., 1909.)
- 562 (23) The construction of the roofs of certain projecting shops.* (Section
10, L. B. A. A. A., 1905.)
- 563 (24) The provision of means of access to roofs in certain buildings.*
(Section 12, L. B. A. A. A., 1905.)

Also persons desiring the re-naming or re-numbering of a street may apply to the County Council.

Application to Superintending Architect. There is, in addition, one case in which it is possible to apply to the superintending architect for special consent. This concerns the relaxation of the requirements as to area of recesses and openings in external walls and of recesses in party walls.

471 (Section 54, L. B. A., 1894.)

Questions to be Decided by Statutory Officials.

Points to be Determined by Superintending Architect. The London Building Act, 1894, provides in several cases that questions of fact which are in uncertainty or dispute are to be determined by the certificate of the superintending architect, which is to be issued upon request. The points with regard to which such determination is provided for are as follows:—

- 463 (1) The general line of buildings.* (Section 22, L. B. A., 1894.)
- 464 (2) For the purpose of Part III. of the Act, the street or streets within
which a building or structure is situate.* Section 29, L. B. A., 1894.)

* Signifies that there is a right of appeal.

- (3) As to which is the front and rear of a building.* (Section 46, L. B. A., 1894.) 469

In each of these three cases the superintending architect is to issue his certificate upon request being made. In a further instance, under section 5 of the 1894 Act, he has the right, exercisable apparently of his own volition, of determining the centre of the roadway of any street laid out since the 18th August, 1890. 454

Level of Ground to be Determined by District Surveyor. The expression "level of the ground" is defined in section 5 (8) of the 1894 Building Act to be the mean level of the ground as determined by the district surveyor.* 454

Plans to be Certified by District Surveyor. It is provided in two cases in the 1894 Act that a person may re-erect an existing building to the old lines if he prepares plans and gets them certified as accurate by the district surveyor. These cases are:—

- (1) Where it is proposed to alter or re-erect a building or structure existing either at the commencement of the Act (January 1st, 1895) or at any time within 7 years previously, which was not in conformity with the prescribed distance provisions of the Act.* (Section 13, L. B. A., 1894.) 459
- (2) Where it is proposed to erect a domestic building (not being a building to be inhabited or adapted to be inhabited by persons of the working class) abutting upon a street, on the site of domestic buildings existing at the commencement of the Act, or on a site which was occupied by a domestic building at any time within 7 years previously to the commencement of the Act.* (Section 43, L. B. A., 194.) 468

Plans for Submission to Public Authorities.

Preparation of Plans. The subject of the making of applications and the submission of plans cannot be left without some reference being made to the actual preparation of the plans which are to be submitted. It may be asked, however, in what respect plans for submission to public authorities differ from plans prepared for general purposes. The answer is that, just as drawings for architectural competitions required to be prepared in a special manner to suit the conditions under which they are viewed and adjudicated upon, so also drawings for submission to public authorities require a particular form of treatment to suit the special circumstances under which they are considered. Although the fact seems scarcely to be realised, drawings to accompany applications for special consent may very well be treated in a bold manner not very dissimilar to that customary in the case of architectural competitions. All important dimensions should be boldly figured. The drawings have at some time or other to be dealt with by the chief officials, who, as they have often to consider a large number of cases in a few hours, have no time to waste in searching through a set of drawings for points which are vital to an application. These should be so emphasised as to be visible at a glance. The drawings have finally to go before a committee, and with perhaps a dozen persons looking at them, the chances are that some persons have to be content

* Signifies that there is a right of appeal.

with a view of them upside down. Consequently the bolder the draughtsman-ship, the more likely it is that the main points of the application will be properly appreciated.

In a municipal office in the provinces with which I was at one time acquainted, the maxim adopted by the general staff as regards the necessary submission of plans to the controlling Government Department was, "anything is good enough for the L. G. B." I am afraid that draughtsmen often act on the principle that anything is good enough for the County Council or Borough Council. Even when plans have to be submitted as a matter of form, such a policy does not recommend itself, and when an application is made for special leave to depart from one or more of the general provisions of the Building Acts, the mere dictates of common sense require that the case for the application should be put forward in the most tactful manner possible, and that the drawings should illustrate the points in question with the utmost clearness.

In the case of a plan showing a building abutting on a street it is very important that the position of the building should be determined by means of accurate dimensions to fixed points, and that the width of the street should be figured. The requirement in the County Council's regulations that the distance of the building from the centre of the roadway should be dimensioned is often disregarded, for in practice no one thinks of setting out a building from such a varying feature as the centre of the roadway.

Omission of Non-Essentials. In the case of an application for special consent the omission of details which have no reference whatever to the points in respect of which the application is made, is almost of equal importance to the proper illustration of the points in question.

Unnecessary details only tend to obscure the real points and often cause questions to be raised of which the discussion at such stage is undesirable from the standpoint both of the applicant and of the administrative authority. An application is usually made in the early stages of a case, it should indeed preferably be made before the working drawings are commenced to be prepared. There are at such a time a number of points which require working out in detail, and if rough-and-ready solutions of such questions are shown on the drawings submitted with the application, they either, by contravening some provision of the building law, jeopardise the success of the application, or, if the application receives consent, render impossible the introduction of improvements without the considerable expenditure of time and labour involved in the making of an amended application.

The Letter of Application with which the drawings are forwarded where a special consent is required should be carefully drawn up, for in this it will be possible to give a clear summary of the points which favour the application. If the attention of the Council can be invited to similar arrangements or forms of construction to that applied for, which have been, within comparatively recent date, carried out in the immediate neighbourhood, a strong point will be made. Although the letter will very rarely be read to the committee of the Council dealing with such matters, the statements therein made will be summarised in the official report dealing with the case.

The Formal Submission of Plans. The above remarks with regard to the submission of plans to the County Council in connection with an application for special consent, apply with little modification to the statutory submission of plans to such body or to any other administrative authority. But the plans in such case will usually require to be of a much more detailed character. If proper care is taken in studying the provisions of the law it will be possible to submit plans showing arrangements such that a refusal is most unlikely. If this method is adopted the working drawings may be first prepared and then a copy sent to the public authority concerned. Such accentuation of the main points as may be thought desirable may be effected by the judicious use of colour or coloured ink.

Material on which Drawings may be Made. The recently superseded official regulations of the County Council stated that plans submitted under the 1894 Building Act should be on the unglazed side of tracing linen, and, the old and laborious method of making copies by hand having given place to some process of reproduction, many architects, with a view to complying with the regulations, have had reproductions made on ordinary tracing linen. A satisfactory result is not usually obtained, as, after the plans have been in use a little time, the lines become blurred, and it is often hardly possible to clean up a drawing with india-rubber without rubbing out the lines. Drawings on stout white opaque linen have of recent years been accepted by the officials of the County Council, and this material is definitely recognised in the revised regulations recently issued. Drawings submitted under the provisions of section 7 of the Amendment Act of 1905 may be sunprints or photographic reproductions on paper, but ordinary paper "prints" when folded to suit the size of an official case tend to break at the folds and fall to pieces in course of time, and are in addition very cumbersome to handle after they have been folded. It will in all cases be desirable, as a matter of courtesy to the authorities, to submit reproductions on white linen. Drawings required to be submitted to the Borough Council under the by-laws having reference to the submission of drainage plans are required to be made "on a durable material."

Scale and Character of Drawings. The scale to which drawings should be made is laid down in the County Council regulations. The by-laws as to the submission of drainage plans to the Borough Council also specify the scale to be adopted. It should, however, be understood by draughtsmen that what is required is not a mere slavish following of the rules, but the production of an intelligible drawing under the guidance of the rules. A drawing which contravenes the rules as to the scale required but yet can be easily understood will meet with more appreciation than one which is in strict compliance and yet is partially unintelligible. Drawings submitted under the 1894 Building Act and under the drainage by-laws administered by the Borough Council are required to be in duplicate. It is often desirable, however, to submit only a single drawing in the first instance and furnish the second drawing when an intimation is received that the application is likely to be approved. Thus, should the application be refused, the preparation of an unnecessary drawing will have been avoided. This practice is allowed by some authorities. But in

the making of an application to the County Council in which questions of
 624 (1) formation and widening of streets, (2) prescribed distance, (3) lines of
 building frontage and projections are affected, plans in duplicate must be
 submitted, for the second set of plans will be sent by the Council to the local
 authority, who are always consulted with regard to such questions. Then,
 in any of the foregoing cases, if the application is approved, a further set of
 plans will be required to be submitted. This set, together with a notification
 of the approval, will be sent to the district surveyor, the original set of plans
 being retained in the architect's department of the County Council as a
 626 record. Also, when an application is made for additional cubical extent, or
 633 for the construction of a theatre or other licensed place of public resort,
 duplicate plans should be submitted, for both the superintending architect and
 the chief officer of the fire brigade are required to report on applications of this
 nature, and each official naturally desires to have a separate plan. Two
 officials are required to report on applications made under section 42 of the
 468 1894 Building Act, they being in this case the superintending architect and
 the medical officer.

559 In the case of plans submitted under section 7 of the London Building
 Acts (Amendment) Act, 1905, apparently only one set of plans can be
 demanded by the County Council. As the Council need two sets of any plans
 approved under this section—one to be kept in the official case, and
 one to be sent to the district surveyor—if only one set is submitted the
 Council are put to the trouble and expense of having tracings made. Many
 architects, however, submit plans in duplicate, a course which recommends
 itself when the only expense involved is that of having an extra set of prints
 made.

Rights of Appeal.

Persons or Bodies Deciding Appeals. Rights of appeal occur in many
 instances throughout the building law. The authorities to whom appeals may
 be made are respectively the County Council, the Local Government Board,
 the police Court, the Quarter Sessions, a Secretary of State, the superintending
 architect, the Tribunal of Appeal, and the County or High Court. Disputes as
 to expenses or compensation are frequently required to be settled by the police
 Court or County Court. The right of arbitration is provided for in many Acts,
 and of course under all Acts there is the right of appeal to the higher Courts with
 regard to questions of law. A summary is here given of the different persons
 and bodies from whom and to whom an appeal may be made, the subjects in
 respect of which appeals may be made, and, in brackets, the Act or section
 from which such rights are derived being also given.

Appeal from Borough Council to County Council.

- 421 (1) As regards the refusal, or conditional approval, by a Borough Council
 of the foundations of a street on land from which sand, gravel, or other
 sub-soil has been excavated. (Section 6, M. M. A. A., 1890.)
 353 (2) As regards any order of a Borough Council in relation to the level of

- any building, or any order or act of a Borough Council in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, or drain. (Section 211, M. M. A., 1855.)
- (3) As regards any order or resolution of a Borough Council in relation to the expenses, or apportionment of the expenses, of the construction of sewers wholly or partly at the cost of private parties. (Section 57, M. M. A. A., 1862.) 367
- (4) As regards any notice or act of a Borough Council under section 37 of the Public Health (London) Act, 1891, which contains requirements as to the provision of water-closets, ash-pits, or in certain circumstances earth-closets or privies. (Section 37, P. H. L. A., 1891.) 434
- (5) As regards any notice or act of a Borough Council under section 41 of the Public Health (London) Act, 1891, in relation to any water-closet, earth-closet, privy, ashpit, or cesspool. (Section 41, P. H. L. A., 1891.) 436
- (6) As regards any notice or act of a Borough Council under section 43 of the Public Health (London) Act, 1891, in relation to the construction, covering, filling-up, or other required alteration of a drain. (Section 43, P. H. L. A., 1891.) 437

It is worthy of notice that section 212 of the Metropolis Management Act, 1855, provides for the method of hearing appeals under section 211 of that Act, and that under section 29 of the Metropolis Management Amendment Act, 1862, the Committee charged with the business of hearing appeals have power to allow or dismiss an appeal, or quash, or confirm, or vary the order appealed against. Section 126 of the Public Health (London) Act, 1891, provides that an appeal to the County Council against a notice or act of a Borough Council is to be conducted in accordance with sections 211 and 212 of the Act of 1855. 353

Appeal from Committee to County Council.

In a case where the renewal of a licence for a slaughter-house, knacker's yard or cow-house is refused, or recommended for refusal by a committee of the Council. (Section 20, P. H. L. A., 1891.) 429

Appeal from Sanitary Authority to Local Government Board.

- (1) As regards the refusal of a dispensation or modification of the requirements as to the occupation of an underground room. (Section 96, P. H. L. A., 1891.) 439
- (2) Against a notice requiring works of repair to be executed in a house let at a rental not exceeding £40 per annum. (Section 15, H. & T. P. A., 1909.) 596
- (3) Against a closing order made by a local authority under the Housing and Town Planning Act, 1909. (Section 17 of Act.) 598
- (4) Against a demolition order made by a local authority under the Housing and Town Planning Act, 1909. (Section 18 of Act.) 599

Appeal from Sanitary Authority to Police Court.

- (1) In the case of a dispute between an owner or occupier of any premises and the sanitary authority as regards what is to be considered trade 434

refuse. The decision of a police Court is in this case final. (Section 33, P. H. L. A., 1891.)

- 438 (2) In the case of the refusal of a certificate by the sanitary authority as to the provision of a proper and sufficient supply of water. (Section 48, P. H. L. A., 1891.)
- 547 (3) In the case of the refusal of a sanitary authority to certify an underground bakehouse as suitable. (Section 101, F. & W. A., 1901.)
- 581 (4) In the case of the removal of the name of a dairyman from the register kept by the sanitary authority, or the refusal to enter the name of a person on such register. (Section 5, L. C. C. G. P. A., 1908.)

Appeal from Police Court to Quarter Sessions.

- 315 (1) Against any conviction or order of any justice or justices under Michael Angelo Taylor's Act. (Section 133 of Act.)
- 332 (2) Against any adjudication or determination of any justice with respect to any penalty or forfeiture under the provisions of the City of London Sewers Acts. (Section 253, C. L. S. A., 1848.)
- 355 (3) Against any adjudication or determination of any justice or justices with regard to any forfeiture or penalty under the Metropolis Management Acts. (Section 231, M. M. A., 1855, and section 23, M. M. & B. A. A. A., 1878.)
- 401 (4) Against any conviction or order made by the Court in determining any information or complaint under the Public Health (London) Act, 1891: appeal possible in all cases "save as otherwise provided in this Act." (Section 125 of Act.)
- 443 (5) As to a decision in relation to the carrying on of a noxious business. (Section 120, L. B. A., 1894.)
- 492 (6) Against a conviction or order made by the Court on determining any information or complaint under the City of London (Various Powers) Act, 1900. (Section 66 of Act.)
- 542 (7) Against a conviction or order made by the Court on determining any information or complaint under the Factory and Workshop Acts (Section 145, F. & W. A., 1901.)
- 549 (8) Against a conviction or order made by the Court on determining any information or complaint under the City of London (Public Health) Act, 1902. (Section 12 of Act.)
- 557 (9) Against any adjudication or determination of the Court with regard to a penalty under section 43 of the London County Council (General Powers) Act, 1907. (Section 43 of Act.)
- 572

Appeal from County Council to Police Court.

- 555 In respect of the refusal to issue or renew a licence for a common lodging-house. (Section 50, L. C. C. G. P. A., 1902.)

Appeal from County Council or City Corporation to Secretary of State.

- 398 On the refusal of a licence for the storage of petroleum. (Section 10, P. A., 1871.)

Appeal from District Surveyor to Superintending Architect.

- (1) As regards what is the "level of the ground." (Section 5, L. B. A., 454 1894.)
- (2) As regards the construction of oriel windows. (Section 73, L. B. A., 477 1894.)

Appeal from District Surveyor to Tribunal of Appeal.

- (1) In case of refusal to certify plans. (Sections 13 and 43, L. B. A., { 459 1894.) 468
- (2) As to the construction of public buildings. (Sections 78 and 79, L. B. A., 1894.) 480

Appeal from District Surveyor to Police Court.

- (1) In the case of the service of a notice of objection by the district 499 surveyor. (Section 150, L. B. A., 1894.)
- (2) As regards any requirement of a district surveyor under Section 22 of 594 the London County Council (General Powers) Act, 1909. (Section 22 (33) of Act.)

Appeal from Superintending Architect to Tribunal of Appeal.

- (1) As regards what is the "level of the ground." (Section 5, L. B. A., 454 1894.)
- (2) As to the position of the general line of buildings. (Section 25, 463 L. B. A., 1894.)
- (3) As regards in which street or streets a building or structure is 464 situated for the purposes of Part III. of the Act. (Section 29, L. B. A., 1894.)
- (4) As regards which is the front and rear of a building. (Section 46, 469 L. B. A., 1894.)

Appeal from County Council to Tribunal of Appeal.

- (1) As to the formation of new streets. (Section 19, L. B. A., 1894.) 462
- (2) As to the adaptation of streets or ways for carriage or foot traffic. 462 (Section 19, L. B. A., 1894.)
- (3) As to the erection of dwelling-houses on low-lying land which cannot 493 be drained to a sewer. (Section 122, L. B. A., 1894.)
- (4) As regards a determination of the Council that the prescribed distance 459 in any street or way shall be greater than 20 ft. (Section 13, L. B. A., 1894.)
- (5) As to the determination of the Council in respect of an application 459 for consent to the erection, formation, or extension of any building, structure, forecourt, or space at a less distance than the prescribed distance from the centre of the roadway. (Section 13, L. B. A., 1894.)
- (6) As to the provision of open space at the rear of domestic buildings 465 in all cases where there is the right of application to the Council, except the case where application is made to the Council for the

- acceptance of an open space as "secured." (Section 41, L. B. A., 1894.)
- 468 (7) As to the provision of open spaces about dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class and not abutting on a street. (Section 42, L. B. A., 1894.)
- 468 (8) As to the re-erection of certain domestic buildings. (Section 43, L. B. A., 1894.)
- 469 (9) As to the provision of open space about buildings erected on a cleared area. (Section 44, L. B. A., 1894.)
- 470 (10) As to the erection of buildings of a greater height than that prescribed by section 47 of the Act. Appeal possible both in cases of consent and of refusal. (Section 48, L. B. A., 1894.)
- 593 (11) As to conditions affecting the use of structural metal other than steel. (Sub-section 30, section 22, L. C. C. G. P. A., 1909.)
- 594 (12) As to the construction of certain specified details in the erection of steel-frame buildings. (Sub-section 34, section 22, L. C. C. G. P. A., 1909.)
- 565 (13) As to the means of escape from new "high" and "20-person" buildings. (Section 22, L. B. A. A. A., 1905.)
- 565 (14) As to the means of escape from existing "high" and "20-person" buildings. (Section 22, L. B. A. A. A., 1905.)
- (15) As to the construction of the roofs of certain projecting shops. (Section 22, L. B. A. A. A., 1905.)
- (16) As to the means of access to roofs in certain buildings. (Section 22, L. B. A. A. A., 1905.)
- (17) As to the occupation of rooms communicating with buildings used for the storage of inflammable liquid. (Section 22, L. B. A. A. A., 1905.)
- (18) As to the conversion of buildings in such a manner that they will contravene the 1905 Act. (Section 22, L. B. A. A. A., 1905.)

In addition to the foregoing cases, there is the right of any district surveyor who is deprived of his office in consequence of the readjustment of districts, to appeal to the Tribunal if he is not satisfied with any compensation proposed to be paid him by the Council under section 139 of the Building Act, 1894. Regulations prescribing the procedure to be followed in lodging appeals have been made by the Tribunal.

Appeal from Surveyors to County or High Court.

- 485 Against any award of surveyors under Part VIII. of the London Building Act, 1894. (Section 91 of Act.)

Settlement of Disputes as to Compensation, etc.

In many Acts it is provided that disputes as to compensation shall in the less important cases be settled by a magistrate. When the sum involved is or is likely to be considerable, it is usually provided that application shall be made to the County Court or that the question shall be referred to arbitration. The cases in which the decision rests with a magistrate or with the County

Court are summarised as follows, those where a reference to arbitration is provided being dealt with separately:—

Disputed Matters determined by Police Court.

- (1) The reinstatement of street paving and the cost of such work in the City. (Section 142, C. of L. S. A., 1848.) 329
- (2) Compensation for the removal of old projections in the City. (Section 156, C. of L. S. A., 1848.) 330
- (3) The amount of any damage, costs, or expenses under the Metropolis Management Acts, when the amount at issue does not exceed £50 (Section 225, M. M. A., 1855). 354
- (4) The share of expenses to be paid by a railway company to a Borough Council in the event of a communication being made with a road previously repaired by the Borough Council under the Metropolis Management Amendment Act, 1890. (Section 3 of Act.) 419
- (5) The sum to be paid to the sanitary authority for the removal of any trade refuse. (Section 33, P. H. L. A., 1891.) 434
- (6) Compensation for increased width of street and for increased prescribed distance in certain cases where the amount at issue does not exceed £50. (Section 15, L. B. A., 1894.) 461
- (7) Compensation for setting back a building, where the amount at issue does not exceed £50. (Section 23, L. B. A., 1894.) 463
- (8) The apportionment of the cost of providing means of ventilation in factories and workshops. (Section 7, F. & W. A., 1901.) 544
- (9) The apportionment of the cost of structural works in an underground bakehouse for the purpose of obtaining the necessary certificate from the sanitary authority. (Section 101, F. & W. A., 1901.) 547
- (10) The compensation to be paid by an owner to an occupier for damage caused by negligence in the execution of works required by Part II. of the London County Council (General Powers) Act, 1908. (Section 13 of Act.) 584
- (11) The damage suffered by an occupier of a tenement house due to the execution of works required by section 16 of the London County Council (General Powers) Act, 1909. (Section 19 of Act.) 587
- (12) The cost of the removal expenses of a tenant in the event of his house being closed by a local authority under the Housing and Town Planning Act, 1909. (Section 17 of Act.) 598

Disputed Matters determined by County Court.

- (1) The security to be given by building owner or adjoining owner in the case of proposed or required works. (Section 94, L. B. A., 1894.) 487
- (2) The apportionment of expenses incurred in providing means of escape from old factories and workshops. (Section 14, F. & W. A., 1901.) 545
- (3) The apportionment of expenses incurred in complying with the 565

provisions of the London Building Acts (Amendment) Act, 1905.
(Section 20 of Act.)

Rights of Arbitration.

The cases in which there is the right of arbitration concern the incidence of various requirements of the law as well as disputes as to compensation, damages, etc. Reference to arbitration is possible in the following cases:—

- | | |
|-------|---|
| 354 | (1) As to the amount of any damage, costs or expenses under the Metropolis Management Acts, where the amount at issue exceeds £50. (Section 225, M. M. A., 1855.) |
| 406 } | (2) As to compensation for damage caused by flood-prevention works, or |
| 409 } | in respect of lands or interests in lands taken for flood works. |
| | (Sections 17 and 25, M. M. A. A., 1879.) |
| 461 | (3) As to compensation for increased width of street and increased prescribed distance in certain cases where the amount at issue exceeds £50. (Section 15, L. B. A., 1894.) |
| 463 | (4) As to compensation for setting back a building where amount at issue exceeds £50. (Section 23, L. B. A., 1894.) |
| 485 | (5) As to party structures: arbitration by surveyors throughout Part VIII. of the London Building Act, 1894. (Section 91 of Act.) |
| 489 | (6) As to the necessity of the requisitions of the Council in respect of an alleged dangerous structure. (Section 107, L. B. A., 1894.) |
| 505 | (7) As to the apportionment of expenses borne by owners. (Section 173, L. B. A., 1894.) |
| 526 | (8) In relation to an order of the Council prohibiting the discharge of specified matter into a sewer. (Section 10, L. C. C. G. P. A., 1894.) |
| 399 | (9) As to works required by the Council to be executed in old theatres and other places of public resort. (Section 11, M. M. & B. A. A. A., 1878.) |
| 654 | (10) As to electric lighting and heating installation in theatres and other places of public resort. (Regulations of the Council as to electric lighting and heating in places of public resort.) |
| 541 | (11) As to compensation for injury due to the fixing of any brackets, wires, lamps and apparatus for street lighting purposes to any building in the City. (Section 53, C. of L. V. P. A., 1900.) |
| 545 | (12) As to means of escape from old factories and workshops. (Section 14, F. & W. A., 1901.) |
| 565 | (13) As to damages sustained by occupier of premises in which works have been carried out under the London Building Acts (Amendment) Act, 1905. (Section 21 of Act.) |
| 602 | (14) As to whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with. (Section 57, H. & T. P. A., 1909.) |
| 603 | (15) As to compensation for property injuriously affected in value, and as to claims for property increased in value, by the making of a town planning scheme. (Section 58, H. & T. P. A., 1909.) |

Exemptions.

Acts in which Exemptions Occur. Generally speaking, exemptions affecting buildings and structures belonging to companies or private owners are rarely met with outside the London Building Acts of 1894 to 1905. Exemptive sections met with in other Acts refer for the most part to Crown property and to specified buildings of a public character. The most noteworthy exemptions occur in section 201 of the 1894 Act. This section is of very great importance, and its provisions should receive very careful attention. It will conduce to greater clearness of treatment if these provisions are dealt with under two heads, viz., (1) those having reference to buildings of a public character or the property of large public companies; and (2) those with regard to buildings and structures of general character. It should be particularly noted that exemption under this section 201 means exemption only from Parts VI. and VII. of the 1894 Act—that is to say, from those Parts of the Act which have reference to construction. The exemption will not apply to questions of general line of buildings, height and air space, sanitary by-laws, etc. Also, it has been held in *London County Council v. District Surveyors' Association and Willis* [(1909) 2 K. B. 138] that notice must be given to the district surveyor in respect of buildings exempt from Parts VI. and VII. of the Act, and further, it would appear from *Galbraith Bros. v. Dicksee* (1910, 102 L. T. 890) that fees are payable in respect of buildings thus exempt. 511

Exemption of Buildings and Structures of Special Character.

The first seven sub-sections of section 201 exempt various specially mentioned buildings and structures from Parts VI. and VII. of the Act. Specified structures of engineering character, namely, bridges, piers, jetties, embankment walls, retaining walls, and wharf or quay walls are declared exempt, as also are various public buildings, and certain buildings of Covent Garden Market, the Metropolitan Cattle Market, and the cattle market at Deptford. Sub-sections 7 and 8 contain clauses exempting certain buildings of canal, railway, gas, and dock companies, and certain buildings of the Thames Conservancy Board. Reference should be made to the section itself as regards the details of all these exemptions, as the exact wording will often require to be very carefully studied. 511

Exemption of Certain Ordinary Buildings. The exemption of ordinary buildings from Parts VI. and VII. is dealt with in sub-sections 10, 11, and 12. The size of the permissible buildings depends upon their distance from the street and from, in one instance, other buildings, and in the second and third instances from other land also. 512

(A) Buildings distant at least

5 ft. from any street

and 5 ft. „ „ building

are exempt if they do not exceed

5 ft. in height (measured from the level of the ground to the underside of the eaves or roof plate)

nor 30 sq. ft. in area,

provided that no portion of the building extends beyond the general line of buildings, and that the building has no stove, etc.

(B) Buildings and structures distant at least
 8 ft. from the nearest street or way
 and 30 ft. from the nearest buildings and from the land of any
 adjoining owner, are exempt if they do not exceed
 30 ft. in height (measured from the footings of the walls)
 nor 125,000 cub. ft. in extent,
 provided that they are not public buildings and that they are wholly in
 one occupation.

(C) Buildings distant at least
 30 ft. from the nearest street or way
 and 60 ft. from the nearest buildings and from the land of an
 adjoining owner, are exempt if they do not exceed
 250,000 cub. ft. in extent,
 provided that they are not public buildings.

The following less important buildings and structures are also exempt
 from Parts VI. and VII. of the Act :—

(D) Party fence walls not exceeding 7 ft. in height (measured from the top
 of the footings);

(E) Greenhouses which are wholly detached;

(F) Greenhouses attached to other buildings so far as the necessary
 woodwork of the sashes, doors and frames;

(G) Cases of metal and glass used for holding plants, and fastened to the
 lower woodwork of a window, provided that—

(a) no portion projects over the public way; and

(b) the projection beyond the external face of the wall does not
 exceed 12 ins.;

513 (H) Openings for inserting ventilating valves in walls or flues, provided
 that—

(a) the superficial extent of a valve does not exceed 40 sq. ins.;

(b) the opening is not nearer than 12 ins. to timber or other com-
 bustible material.

As regards cases (B) and (C), it is provided that a detached dwelling-house
 is not to be excluded from the exemption solely by reason of it being within
 30 ft. (in case B) and 60 ft. (in case C) of another detached building constructed
 as stables or offices to be used in connection with such dwelling-house.

The effect of exemptive clauses (B) and (C) is very important. If a building
 comes within the scope of either clause it may be constructed without reference
 to the general constructional requirements of the 1894 Act. As regards the
 application of the by-laws, it would appear that in the case of *London County
 Council v. District Surveyors' Association and Willis* [(1909) 2 K. B. 138] the
 Court was of opinion that Part XIV. (By-laws) applied to buildings exempt from
 Parts VI. and VII. If by-laws made under the 1894 Act would apply, the
 present by-laws made under previous Acts apparently apply, but it would seem
 from the wording of the last paragraph of section 201, that buildings exempt from
 Parts VI. and VII. are not subject to any by-law dealing with construction.

As regards the exemption dealt with in case (A), the limits both of height
 and area are altogether insufficient. It will be seen that it is a technical

offence to erect a wooden shed either over 5 ft. in height or 30 ft. in area, in an ordinary back yard, without obtaining a licence from either the County Council or possibly—it depends on the construction of section 84 of the 1894 Act—the Borough Council. A requirement which is so stringent as to become largely inoperative stands self-condemned. It would be an easy matter in some districts in London to count thousands of sheds erected since 1894 which, being unlicensed and more than 5 ft. in height or 30 ft. in area, contravene the law. The Act in this respect has been partially and spasmodically administered. It has not been the custom for the County Council to deal with cases other than those notified by the district surveyor, or by an adjoining occupier with a grievance. Thus such persons who have had the misfortune to come within the attention of the Council have been naturally quite unable to understand how they can have broken the law in doing exactly the same thing as their neighbours have done with impunity. If the exemption clause were put on a broader basis it would then be possible to obtain an impartial and strict administration of the law.

It seems a question whether the term “party fence wall” in clause (D) is to be taken in its restricted sense as referring to a wall separating the lands of different owners, or whether it may in this instance be also applied to other low enclosure walls of similar character. Possibly the term may be given the more comprehensive interpretation.

The exemption having reference to attached greenhouses is not very clear, but apparently the construction of wood and glass enclosures to such greenhouses is admissible under the terms of this exemption, but the construction of an enclosure of match boarding would not seem to be permissible. It would appear, moreover, that if brick-work is provided beneath the wood and glass framing it must be at least 9 ins. thick, and must be laid on footings and a foundation in accordance with the by-laws. In all cases the customary 6-in. thickness of concrete must be provided over the site. 722

Proviso to Section 201. It is provided in the last paragraph of section 201 that if any addition be made to a building or structure exempt by reason of its area, height, or extent, so as to bring the building or structure outside the terms of the exemption, the Council may by notice require the owner or occupier either to remove the addition or make the building conform to the Act and the by-laws. It is thus evident that due consideration must be given to the case of making an addition to an exempted building. But the most likely source of difficulty with regard to a building exempted partly by reason of its position occurs when it is desired to put another building on the site, and such new building, by being within the specified distance of 30 ft. or 60 ft., as the case may be, causes the existing building no longer to be within the exempted class. Although this case does not seem to have been specifically provided for in the section, there is little doubt but that the reconstruction of such an existing building so as to bring it into conformity with the Building Acts and the by-laws could be required. The owner in such a case may be forced either to pull down or entirely reconstruct his building. It will be open to him, however, before proceeding to such extremities to approach the Council. That body has power under section 207 of the 1894 Act to sanction 514

the retention of a building under such circumstances, subject to alterations being carried out, and consents of this nature are not infrequently issued.

Buildings not subject to Ordinary Requirements. There is a proviso to section 17 of the London County Council (General Powers) Act, 1908, to the effect that the provisions of the section limiting the cubical extent of buildings are not to apply to any one-story building which is distant more than 2 miles from St. Paul's Cathedral, and is used wholly for the manufacture of the machinery and boilers of steam vessels, or for a retort house, or for the manufacture of gas or for generating electricity, and is constructed of brick, stone, iron, or other incombustible material throughout. Every such building is to be deemed a building to which the general provisions of Part VI. of the 1894 Act are inapplicable, and consequently it becomes a special building regulated by the provisions of Part VII. of the Act; that is to say, plans showing its construction must be submitted to the Council and the Council's consent obtained. Such buildings of a local authority or company having statutory powers for the supply of electricity, as are used as generating stations or for works, are declared by section 203 of the 1894 Building Act to be special buildings to which the provisions of Parts V., VI., and VII., and the 1st and 2nd Schedules of the Act do not apply. Full plans of such buildings must be submitted to the Council for their approval.

Exemption from Part VII. of the 1894 Act. It is provided in Section 86 of the 1894 Building Act, that structures or erections set up on the premises of a railway company and used for the purpose of or in connection with the traffic of such railway company are exempt from the operation of Part VII. of the Act. This section has been held not to be restricted in its application to structures actually the property of a railway company. In *Elliott v. London County Council* [(1899) 2 Q. B. 277] it was held that a wooden erection used as a coal office which had been erected on the premises of a railway company by a firm of coal merchants, in connection with the sale of coal carried on the railway company's system, was a structure exempt from Part VII. This case is of interest in connection with the scope of one of the "railway" exemptions in section 201, where the wording is somewhat similar to that of section 86.

Exemption from Means of Escape Requirements. Section 34 of the 1905 Amendment to the Building Act contains an exemptive clause, which very materially affects the scope of this Act. It is there provided that any new or existing building used, or intended to be used, to the extent of not less than three-fourths of its cubical extent as a bank or insurance office by not more than two companies or firms, and its remaining portion used to provide sleeping accommodation for the employees of such firms, shall, so long as so used, be exempt from the provisions of the Act. The premises known as Staple Inn, Holborn, are stated to be existing buildings to which the provisions of section 34 apply, but the manner in which such provisions operate with regard to such premises is by no means clear.

There are various other important provisions in the 1905 Amendment Act. These concern—the number of the section being given at the end of each reference—the buildings of the Inns of Court (28), the buildings of dock com-

panies (29), of railway companies (30), of electric lighting companies (31), of 568
gas companies (33), the buildings of public wharfingers (36), bonded ware-
houses (40), and also the rights of the Crown (41) and of the Duchy of 569
Cornwall (42) are preserved. In addition, several specially mentioned buildings 569
of a public character, and the buildings of various markets are exempt. In all
cases it is most important that the wording of any exempting clause that is
under consideration should be very carefully studied.

The Rights of the Crown, of the Government, and of the Duchy of
Cornwall are preserved in many Acts. In particular, section 202 of the 1894 513
Building Act provides that buildings, structures, and works, vested in and in
the occupation of the Crown, the Government, the Metropolitan Police, the
trustees of the British Museum, and the Duke of Cornwall, are exempt from
so much of the provisions of the Act as relates to buildings and structures.
The various other exemptive provisions having relation to Crown and similar
property will be found on pages 336, 355, 374, 375, 401, 413, 557, 569, 586.

Exemption of Inns of Court. The lands and buildings of the Inns of 31
Court are exempt from most of the provisions of the Metropolis Management
Acts and London Building Acts. It should be noted, however, that they
are not exempt from the provisions of Part III. of the 1894 Building Act.
The exemption from the Metropolis Management Act is not set forth in any
particular section, but consists in the fact that the important provisions as to
drainage apply only in the parishes mentioned in Schedule (A) and the 339
districts mentioned in Schedule (B) of the Act of 1855, whereas the Inns of
Court are included in Schedule (C) of such Act. The text of the various 356
provisions exempting the Inns of Court will be found on pages 356, 401, 513,
557, 567.

Exemption of Railway Companies. The buildings and structures of
railway companies are either wholly or partly exempt from several Acts, and
particularly from many provisions of the 1894 Building Act. The sections
dealing with railway companies will be found on pages 420, 438, 461, 462, 464,
470, 481, 482, 508, 527, 531, 556, 568.

Various Exemptions. In addition to the cases already quoted, the
buildings of dock, gas, and other companies are occasionally stated to be
exempt from some particular requirement. Various exemptive clauses of this
nature will be found on pages 406, 429, 430, 493, 511, 513, 527, 532, 550,
568, 569.

Principal Law Cases.¹

(Those referred to in text of Division VI. have page references in margin.)

Apportionment of Expenses.

K. B. (C. A.) 1905 .	Horner v. Franklin	(1905) 1 K. B. 479.	215
K. B. (C. A.) 1906 .	Stuckey and Others v. Hooke.	(1906) 2 K. B. 20.	215

¹ For meaning of abbreviations, see page 63.

Definition of Owner under 1894 Building Act.

Ch. 1890	.	.	Fillingham v. Wood	.	.	.	(1891) 1 Ch. 51.
Ch. 1897	.	.	List v. Tharp	.	.	.	(1897) 1 Ch. 260.
Ch. 1904	.	.	Orf v. Payton.	.	.	.	69 J. P. 103, and 2 A. L. R. 129.
216 Ch. 1906	.	.	Crosby v. Alhambra Co.	.	.	.	(1907) 1 Ch. 295 and 4 A. L. R. 85.

Rights and Liabilities of Owners.

Q. B. 1867	.	.	Crofts v. Haldane	.	.	.	2 Q. B. D. 194 (old series).
Ch. 1878	.	.	Standard Bank of British South America v. Stokes	.	.	.	9 Ch. D. 68.
Ch. 1879	.	.	Knight v. Pursell	.	.	.	11 Ch. D. 412.
220 Q. B. (H. L.) 1883	.	.	Hughes v. Percival	.	.	.	8 App. Cas. 443.
220 Ch. 1888	.	.	White v. Peto Bros.	.	.	.	58 L. T. 710.
223 Q. B. 1890	.	.	Williams v. Bull	.	.	.	Times, 15th Feb., 1890.
Ch. 1890	.	.	Fillingham v. Wood	.	.	.	(1891) 1 Ch. 51.
Q. B. (C. A.) 1894	.	.	Joliffe v. Woodhouse	.	.	.	38 S. J. 578.
Ch. 1897	.	.	List v. Tharp	.	.	.	(1897) 1 Ch. 260.
Ch. (C. A.) 1898	.	.	Hobbs, Hart & Co. v. Grover	.	.	.	(1899) 1 Ch. 11.
217 K. B. 1911	.	.	Minturn v. Barry	.	.	.	Builder, 31st March, 1911.

Settlement of Disputes by Surveyors.

Ch. 1878	.	.	Standard Bank of British South America v. Stokes	.	.	.	9 Ch. D. 68.
224 K. B. (C. A.) 1903	.	.	In re arbitration, Stone v. Hastie	.	.	.	(1903) 2 K. B. 463, and 1 A. L. R. 80.
221 K. B. (C. A.) 1904	.	.	Leadbetter and Others v. Marylebone Borough Council	.	.	.	(1904) 2 K. B. 893, and 2 A. L. R. 130.
221 K. B. (C. A.) 1907	.	.	Adams v. Marylebone Borough Council	.	.	.	(1907) 2 K. B. 822, and 3 A. L. R. 108.

Applications.

Q. B. 1897	.	.	L.C.C. v. Rowton Houses, Ltd. (see remarks of judges as to the granting of applications)	.	.	.	77 L. T. 693.
Q. B. 1897	.	.	Reg. v. L.C.C., <i>Ex parte</i> Webster	.	.	.	76 L. T. 472.

Re Appeals from Decision of Tribunal.

Q. B. 1898	.	.	Woodham v. L.C.C.	.	.	.	(1898) 1 Q. B. 863.
K. B. 1904	.	.	In re L.C.C. and London Building Act, 1894	.	.	.	91 L. T. 501, and 2 A. L. R. 119.
K. B. 1907	.	.	South Eastern and Chatham Railway Co. and Others v. L.C.C.	.	.	.	(1907) 2 K. B. 91.
K. B. 1907	.	.	L.C.C. v. Metropolitan Railway Co. and Another	.	.	.	97 L. T. 136.
K. B. (H. L.) 1910	.	.	Metropolitan Railway Co. and Others v. L.C.C.	.	.	.	(1911) A. C. 1.

Exemption as to Notice, and Payment of Fees.

K. B. 1909	.	.	L.C.C. v. District Surveyors' Association and Willis	.	.	.	(1909) 2 K. B. 138.	243
K. B. 1910	.	.	Galbraith Bros. v. Dicksee	.	.	.	102 L. T. 890.	243

Exemption of Crown Buildings.

Q. B. 1899	.	.	Drury v. Rickard	.	.	.	.	63 J. P. 374.
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Exemption of Structures used in Connection with Railway Traffic.

Q. B. 1899	.	.	Elliott v. L.C.C.	.	.	.	(1899) 2 Q. B. 277.	246
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Exemption of Buildings used for Canal Purposes.

Q. B. 1893	.	.	Coole v. Lovegrove	.	.	.	(1893) 2 Q. B. 44.
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DIVISION VII

COST OF BUILDING WORK

Contributed by H. J. LEANING, F.S.I.

CHAPTER 19

COST OF ERECTING BUILDINGS IN AND AROUND LONDON

Standards of Work. In considering the cost of building it must be always remembered that there is both a general average standard of work suitable for each particular class of building, and an irreducible minimum standard of finish at which it is possible to obtain the required accommodation. In the tables which follow, therefore, it has been thought advisable to give separate figures for the average cost of each type of building and also for the minimum cost.

But in both of these instances it is evident that no fixed invariable figures, applicable to all cases in a given place, can be stated, as there are constant fluctuations in cost according to the current wages paid, the prices of materials, the state of the building trade, and the building regulations of the locality.

Current Wages. In order to clearly standardise the prices quoted in the tables, a list of wages current in London at this date is given, and upon these the estimated prices given are based, and any variations from the wages given should be allowed for. For instance, if the wages amount to about one-half of the total contract (as is usual), then a decrease of 10 per cent. in wages would be equal to a decrease of about 5 per cent. on the whole.

Prices of Materials. To further assist accurate generalisations, a list of the average prices of materials in London under normal trade conditions is given.

By reference to the technical journals, such as *The Builder*, the current prices of these materials will be seen, and a comparison may be established. This will serve as a fairly accurate gauge of the condition of the market generally, as, although wages officially may be unaltered, yet there are adjustments affecting labour which in times when materials are cheap have the same effect as a decrease in wages, viz., lower prices for piecework such as brickwork, tiling, plastering, painting, etc. There is reason to believe that these prices fluctuate equally with those for materials, and therefore, whatever fluctuation may be found to exist in the direction of materials, may usually be applied to the cost of the building as a whole.

For the reasons already stated the cost of a given amount of accommodation will vary according to the locality in which it is required. This difference, being one that is largely affected by wages, involves two different sets of prices as follows:—

(a) Within 12 miles radius from Charing Cross (which radius includes the whole county area).

(b) Outside this radius (where London rates of wages are not paid, and regulations are not so strict).

The differences will not be quite so conspicuous in every type of building; churches, for instance, are subject to much the same regulations wherever they are (if dependent on grants), and the only varying factors will be the wages and the cost of materials.

The list of wages and prices of materials given relate to the area included in the 12-mile radius. No corresponding list is given for the districts outside this radius, as the factors vary in different localities.

State of Trade. However accurate one may be in one's calculations as to the effect of varying wages and materials upon the cost of building, there are always further variations in builders' estimates caused by the varying state of the building trade, and these are extremely difficult to gauge, as there are undoubtedly times when builders contract to build either at or under actual cost price, in order to keep their staff together and their shops open. At other times, when they are fully engaged, the scale of profit rises to as much as 15 per cent. or more. It is impossible to measure this variation by any known scale; allowance for such variation can only be satisfactorily made by persons having an intimate knowledge of the current state of the building trade.

Character of Competition. The whole subject is further complicated by the differences in the scale of prices adopted by different classes of contractors.

Some architects restrict the area of competition very closely in order to get unimpeachable work. Such cases require special treatment. In these calculations it is assumed that the competition is unlimited and not restricted to first-class contractors, and yet not open to any but such as would be able to fulfil their engagements.

Building Regulations. In dealing with building regulations one cannot fail to notice a broad similarity between the by-laws of the various local bodies around London and the provisions of the London Building Act. So closely do the constructional provisions agree that the cost of building may be considered to be nearly the same in each case. But there are a few places outside the 12-mile radius (where wages are lower) which are within the jurisdiction of an urban district council whose by-laws are of the metropolitan character. An instance of this kind is the district of Epsom. In such cases, allowance need only be made for the decreased wages.

Cost per Unit of Accommodation. The details given deal with the cost per unit of accommodation as well as that obtained by measurement of cubic contents, as it rarely happens that those about to build, when calculating preliminary estimates of outlay, are in possession of actual plans of the proposed buildings.

Where, however, these are available, and the cubic contents can be ascertained, the well-established method of assessing ultimate cost, by the price per foot cube, may be adopted.

Cost per Foot Cube. It is found that the cost of buildings of fixed types varies in almost direct ratio according to the cubic contents. The vertical measurements are usually taken from the bottom of footings of walls to half-way up the roof. Horizontal measurements are always taken to include external walls, the intention being to arrive at the actual cubic contents not of the rooms, but of the building, which is thus treated as if it were a solid block. Excrescences such as chimney stacks, dormers, lanterns, etc., should properly be cubed in, but will not seriously disturb the estimate if omitted. The prices given are for fairly settled types, and must be used with discretion. The method of cubing is useless unless exercised with discrimination, and the object of these notes is to show in what ways the figures given in the tables should be modified to suit particular cases.

Special Features. There are, in addition to the differences caused by variations in the cost of labour or materials and the state of the market, other disturbing considerations, among which are the following :—

1. *Access.* If a building is situated at a considerable distance from a station, cartage becomes a serious additional item, especially if any part of the journey requires two horses. This can be best allowed for by obtaining an estimate per ton for haulage from a local contractor and roughly gauging the number of tons contained in the proposed building, and adding the difference between the sum so obtained and an allowance of, say, 2s. per ton for delivery.

2. *Using Owner's Materials.* Cases may arise in which there is a large quantity of material derived from pulling down which may be available for building. This should be valued, and the total deducted from the estimate.

3. *Use of Machinery.* Very few of the leading contractors are now without steam joinery works, but occasionally a builder may be employed whose joinery is made by hand : this will cost him from 15 per cent. to 20 per cent. more than if made by machinery. This question is not likely to arise except where the contractor is not in competition with others, as when he is he would not be the lowest. When he is not in competition, the above allowance on the estimated cost of joinery should be made.

4. *Reinforced Concrete.* There are various systems, chief among which are—

- (a) The Hennebique system.
- (b) The Coignet system.
- (c) The Kahn Trussed Bar system.

The Government has erected three experimental buildings, one on each system, and no doubt the public will have the benefit of its experience as to reliability and relative cost.

The very best workmanship and materials are indispensable to this construction, and therefore it is not cheap, but there is no doubt a saving can be effected on the cost of ordinary construction, especially for floors and stanchions.

Sir Henry Tanner has recently assessed this saving at about 2d. per foot cube, and Mr. Harcourt stated in Parliament that the saving was approxi-

mately 20 per cent. (presumably on the cost of the carcass only). The opinion of those who have had most experience of this class of work is rather against so high an estimated saving.

5. *Steel-frame Construction.* This is only necessary in high buildings where it is desired that the weights should be concentrated and where time is an object, in which case this method is adopted so as to enable the building to proceed at different levels simultaneously.

Under the old rules, no counteracting savings could be made in thicknesses of walls. The cost, therefore, was almost an entire extra, and varied from 1*d.* to 2*d.* per foot cube. Now, however, under the provisions of the London County Council (General Powers) Act, 1909, the saving in the thicknesses of walls partially neutralises the extra cost of the steel-work according to circumstances. 149

6. *Fire-resisting Floors and Staircases.* There are so many methods of construction that it is not easy to generalise as to the extra cost of these, but for ordinary concrete floors with steel joists and girders the extra cost may vary from 10 per cent. of the total cost upon a plain commercial building to 5 per cent. on more elaborate buildings of residential character. The prices quoted in tables are for usual methods of construction appertaining to the particular building. No addition should therefore be made in the case of buildings which are necessarily constructed with fire-resisting floors, etc.

7. *Number of Stories.* Although a three-story building will usually cost more per foot cube than a one- or two-story building, it is nevertheless cheaper to build high buildings than low ones, because the same accommodation can be put into a lesser number of feet cube owing to the fact that in the low building there will be a much larger proportion of roof and foundation.

8. *Façade.* Obviously the price per foot cube must vary according to the extent and nature of the façade. A building with one narrow front would naturally cost less than one of equal size with fronts on four sides; this difference may sometimes amount to as much as 30 per cent. of the total cost of the building. A normal amount of main façade seems to be about one superficial foot to every 30 feet cube of building. Extras or deficiencies on this amount can be allowed for according to the following prices: if the fronts are brick they need not be considered; if brick with stone dressings, add or deduct 2*s.* 6*d.* per superficial foot (openings not deducted); if fronts are faced with stone entirely, add or deduct from 5*s.* to 9*s.* per foot according to design and stone used.

These figures of the price per superficial foot may be used with advantage in adjusting an estimate when the character of the proposed front of a building is changed. In such case the area considered should be that of the whole front.

9. *Foundations.* It is difficult to say exactly what are normal foundations, as that amount will vary according to the height of the building. Anything abnormal, however, should be separately calculated and added. In the case of the London schools (London County Council) an extra grant is made for all foundations exceeding 4 ft. in depth below the level of the principal floor.

Where piling is necessary or a concrete raft or tank is required the cost of

the foundations should be separately calculated, otherwise the whole estimate may be fallacious. As an instance of this may be mentioned the new War Office, where the cost of the foundations was so heavy that it raised the price per foot cube of the whole building by over 4*l.* per foot cube above the price excluding them.

10. *Flat Roofs.* The actual cost of covering a given area (horizontal measurement) is lowest with a pitched roof, and in addition to that there is the loss in cubic capacity of the building where roofs are flat to be accounted for. It is found that an addition of from 4*l.* to 5*l.* a square measured over the area of all flats, whether lead or asphalt, will approximately adjust the discrepancy.

11. *Finishings and Special Features.* Here there is almost unlimited scope for error in estimating. Each type of building has its usual accessories and grade of finish, and experienced estimators can usually detect instinctively any departures from the normal. The extra cost of these above what is usual can be readily ascertained and should be added to any result obtained only by cubing based upon a normal type of building.

Separate estimates are usually obtained for special finishings, and such estimates should be compared with what is usual.

12. *Heights of Stories and Sizes of Rooms.*—No estimate made upon the basis of cubing can be relied upon which does not take account of these dimensions, which cause so much variation and which unconsciously affect one's decision as to the price per foot cube which should be allowed for any particular building. As a rule the class of building usually denotes the average heights and sizes as well as the degree of finish, so that scientific calculations for accepted types of buildings are not necessary. There is no reason, however, why it should not be possible to reduce all buildings to a common basis with variations according to fixed ratios dependent upon heights and sizes. This has not been attempted here, however, as there is not usually time to make the necessary calculations, and therefore a general comparison of these dimensions must suffice.

Analytical Comparisons. Wherever a building of a special kind is being considered which can be judged by no satisfactory rule, it is a good plan to compare it with a building as nearly like it as possible with regard to heights of stories and sizes of rooms, and of which the detailed cost is known. There will probably be serious differences as to such items as lifts, fittings, decorations, panelling, special fireplaces, glazed brickwork, sanitary fittings, outside staircases, hardwood joinery, heating and lighting, etc. In that case the cost of these latter items in the actual building (the cost of which is known) should be ascertained and deducted from the total, and the price per foot cube of the existing building, stripped in this way of its various finishings, should then be ascertained and applied to the proposed building, after which the cost of the items in the proposed building that correspond to those which have been deducted in the case of the existing building should be added to the result so obtained. A reasonably approximate estimate of cost may thus be arrived at.

Details of Cost. Approximate estimates are usually made before any plans are prepared, or, even if these are completed, before the detailed

specification is written, and there often arises the difficulty after the original estimate has been adopted of defining exactly how much it includes.

Most people know that a slated roof is cheaper than a tiled roof, that a wooden staircase is cheaper than a stone one, and that a boarded floor is cheaper than a wood block floor; but there are many constructional economies that can be made of which they know nothing.

An excellent book for a layman is Coleman's "Approximate Estimates" (Spon, 5s. net), which gives in detail the relative cost of the various portions of a building as well as very exhaustive particulars as to average and actual cost of buildings per foot cube, etc.

Reference to the detailed items of cost in such book will enable one to estimate such an item as the saving that could be effected by using a boarded floor on wood joists as against a concrete floor and steel joists, or the saving that could be effected by reducing a building by a foot in height, or the relative values of a zinc flat, a lead flat, and a copper flat.

Such detailed treatment has, however, been deemed outside the scope of these notes.

Tables of Cost. The tables, which give the approximate cost of practically all classes of buildings likely to be erected in the London neighbourhood, have involved a considerable amount of labour in their preparation. In the majority of cases the known cost of several buildings of the class concerned have been carefully analysed for the purpose of obtaining the figure given. It is essential to the satisfactory use of the tables that not only shall the necessary allowance be made for alterations in the prices of materials or labour, but also that all special features in the design of any proposed building shall be taken into account as indicated in the foregoing notes. Unless careful discrimination is adopted there is the probability that the estimate will prove to be fallacious.

NORMAL PRICES OF PRINCIPAL BUILDING MATERIALS.

	£	s.	d.
Best stocks, per 1,000 in river alongside	1	10	0
Picked stocks for facings ditto	2	5	0
Flettons ditto	1	7	0
Best white glazed stretchers ditto	11	10	0
Best dipped salt glazed stretchers, ditto	11	0	0
Thames ballast, per yard delivered	0	6	0
Best Portland cement, per ton ditto	1	8	6
Best ground blue lias lime (not including use of sacks), per ton ditto	1	0	0
Grey stone lime (ground), per yard ditto	0	11	6
Block stone lime approximately the same price as ground lime.			
20 ins. by 10 ins. best blue Bangor slates, per thousand of 1,200 at railway depot	13	2	6
Best plain red roofing tiles, per 1,000 at railway depot	2	2	0
Best Broseley tiles ditto ditto	2	10	0

	£	s.	d.
Deals, best 11 ins. by 3 ins. and 11 ins. by 4 ins. and 9 ins. by 4 ins., at per standard at Docks	15	0	0
Battens, best 2½ ins. by 7 ins. and 8 ins., and 3 ins. by 7 ins. and 8 ins., at per standard ditto	12	0	0
Fir timber, best middling Danzic or Memel, at per load of 50 ft. ditto	4	15	0
White Sea, first yellow deals, 9 ins. by 3 ins., at per standard ditto	22	5	0
Ditto, second ditto ditto ditto ditto	18	5	0
Ditto, third ditto ditto ditto ditto	15	0	0
White Sea and Petersburg first white deals, 9 ins. by 3 ins., at per standard at Docks	14	0	0
Ditto, second, ditto ditto	13	0	0
First yellow pine, regular sizes, at per standard, ditto	33	0	0
Seconds ditto ditto ditto	29	0	0
Dry wainscot oak, per ft. sup., as inch	0	0	8
Dry mahogany Honduras ditto	0	0	10
7 ins. by 1 in. yellow planed and shot flooring, per square	0	15	6
7 ins. by ¾ in. yellow matched and beaded boards ditto	0	12	3
Rolled steel joists, ordinary sections, per ton delivered	7	0	0
Compound girders ditto ditto	9	0	0
Angles, tees, and channels, ditto ditto	9	0	0
Common iron bars ditto	8	5	0
20-gauge galvanised corrugated sheets, 6 ft. to 8 ft., per ton, ditto	13	15	0
Sheet lead, English, 3 lbs. and upwards ditto	15	10	0
Zinc sheet V. M. ditto	26	10	0
Copper, strong sheet, per lb. ditto	0	0	11½
21 oz. thirds English sheet glass in crates of stock sizes, per ft. ditto	0	0	3
26 oz. thirds ditto ditto ditto	0	0	4
Raw linseed oil, in pipes, per gallon	0	1	10
Genuine ground English white lead, per ton ditto	20	0	0
Fine pale oak varnish, per gallon ditto	0	8	0

MINIMUM RATES OF WAGES.

WITHIN RADIUS OF 12 MILES FROM CHARING CROSS. JANUARY, 1911.

	Per hour.		Per hour.
Bricklayers	10½d.	Plumbers	11d.
Carpenters and joiners	10½d.	Plumbers' mates	7d.
Masons	10½d.	Painters	8½d.
Plasterers	11d.	Labourers	7d.

APPROXIMATE COST OF BUILDINGS.

UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube.	Per shed.	Per foot cube.	Per shed.
Aeroplane Sheds, corrugated iron— wood floors—				
Average . . .	1½d.	—	1½d.	—
for Biplane . .	—	£150	—	£150
for Monoplane .	—	£220	—	£220
Artisans' Dwell- ings (self-con- tained)—		Per room. ¹		Per room. ¹
Average . . .	8¾d.	£93	7½d.	£75
Minimum . . .	8d.	£85	7d.	£70
Ditto (associated)—				
Average . . .	8d.	£85	7d.	£70
Minimum . . .	7d.	£72	6½d.	£60
Balloon Sheds for dirigible balloons— corrugated iron— wood floors—				
Average . . .	1d.	—	1d.	—
Banks, same as Offices.				
Barracks, Soldiers' Quarters—				Per man.
Average . . .	—	—	6d.	£35
Minimum . . .	—	—	5½d.	£32
Ditto, Married Sol- diers' Quarters—				
Average . . .	—	—	8d.	£265
Minimum . . .	—	—	7½d.	£250
Ditto, Officer's Quar- ters—				
Average . . .	—	—	9d.	£400
Minimum . . .	—	—	8½d.	£370
Baths, Swimming (including engin- eering)—				
Average . . .	1s.	—	10d.	—
Minimum . . .	10d.	—	8d.	—
Breweries (com- plete)—		Per quarter.		Per quarter.
5 to 10 qrs. capacity	1s.	£600	8d.	£500
10 to 25 " "	10d.	£500	7½d.	£400
25 to 50 " "	9d.	£400	7d.	£350
50 to 100 " "	8d.	£350	6d.	£300
Bungalows, brick—		Per room. ²		Per room. ²
Average . . .	—	—	8½d.	£65
Minimum . . .	—	—	6½d.	£48
Ditto, corrugated iron	4d.	£40	4d.	£40

¹ Every room counted.² Kitchens and bath-rooms counted in, but not sculleries, pantries, or water-closets.

APPROXIMATE COST OF BUILDINGS—continued.
UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube.	Per sitting.	Per foot cube.	Per sitting.
Chapels, brick, for 800 sittings or over (excluding seating, fencing, etc.)¹—				
Average . . .	6d.	£5 10s.	5d.	£4 10s.
Minimum . . .	4½d.	£3 17s. 6d.	4d.	£3 10s.
Ditto, Temporary . . .	—	25s.	—	25s.
Churches, brick, for 800 sittings or over (excluding seating, fencing, etc.)¹ . . .				
Average . . .	7d.	£7	6d.	£5 10s.
Minimum . . .	5½d.	£5	5d.	£4 10s.
Ditto, Temporary—				
Minimum . . .	—	30s.	—	25s.
Conveniences (Public) Underground—		Per sitting. ²		Per sitting. ²
Average . . .	4s. 0d.	£90	3s. 3d.	£68
Minimum . . .	3s.	£65	2s. 6d.	£50
Cottages, Labourers' . . .		Per room. ³		Per room. ³
Average . . .	5½d.	£48	4½d.	£42
Minimum . . .	4½d.	£40	3½d.	£36
Drill Halls and Gymnasiums—		Per square.		Per square.
Average . . .	6d.	£60	5d.	£50
Minimum . . .	4½d.	£45	3½d.	£35
Electric Generating Stations (excluding machinery and plant)—				
Average . . .	7½d.	—	6d.	—
Minimum . . .	6d.	—	5d.	—
Engine Sheds—				
Average . . .	5d.	—	4½d.	—
Minimum . . .	4d.	—	3½d.	—
Exhibition Buildings, timber studing, covered externally with corrugated iron, and internally with plaster—				
Average . . .	2d.	—	—	—
Minimum . . .	1d.	—	—	—
Ditto, steel and plaster—				
Average . . .	3d.	—	—	—
Minimum . . .	2d.	—	—	—

¹ Towers or spires not included. Smaller chapels or churches at proportionately higher rates.

² I.e., water-closet, urinal stall, or lavatory basin.

³ Kitchens and bath-rooms counted in, but not sculleries, pantries, or water-closets.

APPROXIMATE COST OF BUILDINGS—*continued.*

UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube.		Per foot cube.	
Factories (excluding machinery)				
Average . . .	6½ <i>d.</i>	—	5 <i>d.</i>	—
Minimum . . .	5 <i>d.</i>	—	4 <i>d.</i>	—
Farm Buildings (complete)—				Per acre for farms over 280 acres (including farm-house, stables, &c.).
Average . . .	—	—	Cowhouses, barns, &c. 3½ <i>d.</i>	£6
Minimum . . .	—	—	3 <i>d.</i>	£5
Flats, residential, West End—		Per room. ¹	Per foot cube.	Per room. ¹
Average . . .	1 <i>s.</i>	£190	10 <i>d.</i>	£160
Minimum . . .	10½ <i>d.</i>	£170	8 <i>d.</i>	£120
Ditto, maisonnettes, suburban—				
Average . . .	9 <i>d.</i>	—	8 <i>d.</i>	—
Minimum . . .	7½ <i>d.</i>	—	6½ <i>d.</i>	—
Garages, for motor vehicles, one story—				
Average . . .	4 <i>d.</i>	—	3½ <i>d.</i>	—
Minimum . . .	3½ <i>d.</i>	—	3 <i>d.</i>	—
Ditto, two or three stories, with sloping ways for vehicles—				
Average . . .	5 <i>d.</i>	—	4½ <i>d.</i>	—
Minimum . . .	4½ <i>d.</i>	—	4 <i>d.</i>	—
Gas holders (complete) capacity under 1,000,000 cubic feet . . .	Per 1,000 cubic ft. £25 to £35		Per 1,000 cubic ft. £20 to £30	
Do. between 1,000,000 and 5,000,000 cubic feet . . .	£18 to £25		£14 to £22	
Do. between 5,000,000 and 10,000,000 cubic feet . . .	£10 to £18		£8 10 <i>s.</i> to £15	
Gas Works (complete) with buildings, plant and mains . . .	Per head of population. 30 <i>s.</i> to 40 <i>s.</i>	Per 1,000,000 cubic feet of gas required per annum. £500 to £800	Per head of population. 25 <i>s.</i> to 35 <i>s.</i>	Per 1,000,000 cubic feet of gas required per annum. £300 to £600
Granaries and Silos—				
Average . . .	Per foot cube. 8 <i>d.</i>	—	Per foot cube. 5 <i>d.</i>	—
Minimum . . .	6 <i>d.</i>	—	3½ <i>d.</i>	—
Gymnasiums, see Drill Halls.				

¹ Kitchens and bath-rooms counted in, but not sculleries pantries, water-closets, or staircases

APPROXIMATE COST OF BUILDINGS—continued.
UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube.	Per seat.	Per foot cube.	Per seat.
Halls, Public—				
Average . . .	7 <i>d.</i>	£5	6 <i>d.</i>	£4
Minimum . . .	5½ <i>d.</i>	£3 10 <i>s.</i>	5 <i>d.</i>	£3
Temporary . . .	2½ <i>d.</i>	25 <i>s.</i>	2½ <i>d.</i>	25 <i>s.</i>
Hospitals, General (complete), including administration buildings—		Per bed.		Per bed.
Average . . .	9 <i>d.</i>	£400	8 <i>d.</i>	£350
Minimum . . .	7½ <i>d.</i>	£320	7 <i>d.</i>	£280
Ditto, Temporary—				
Minimum . . .	6 <i>d.</i>	£40	6 <i>d.</i>	£40
Infectious complete including administration buildings—				
Average . . .	11 <i>d.</i>	£500	10 <i>d.</i>	£425
Minimum . . .	9 <i>d.</i>	£400	8 <i>d.</i>	£375
Ditto, Temporary—				
Minimum . . .	4 <i>d.</i>	£60	4 <i>d.</i>	£60
Hotels—				
Stone-fronted and elaborately fitted internally with abundant bath-rooms . . .	1 <i>s.</i> 6 <i>d.</i> to 2 <i>s.</i>	Per bedroom. ¹ £400 to £500	1 <i>s.</i> to 1 <i>s.</i> 4 <i>d.</i>	Per bedroom. ¹ £300 to £350
Brick and stone fronted, smaller rooms, less bath-rooms, moderate finish . . .	1 <i>s.</i> 2 <i>d.</i> to 1 <i>s.</i> 6 <i>d.</i>	£300 to £400	10 <i>d.</i> to 1 <i>s.</i> 2 <i>d.</i>	£200 to £250
Brick fronts, small rooms, plain finish	10 <i>d.</i> to 1 <i>s.</i> 1 <i>d.</i>	£200 to £250	8½ <i>d.</i> to 10 <i>d.</i>	£175 to £200
Houses—				
Stone-fronted mansions with principal rooms 14 to 16 ft. high . . .	1 <i>s.</i> to 1 <i>s.</i> 6 <i>d.</i>	Per room. ² £250 to £275	10 <i>d.</i> to 1 <i>s.</i> 4 <i>d.</i>	Per room. ² £200 to £250
Ditto ditto brick or plaster fronts with principal rooms 11 to 13 ft. high . . .	10 <i>d.</i> to 1 <i>s.</i> 2 <i>d.</i>	£200 to £225	9 <i>d.</i> to 1 <i>s.</i>	£175 to £200
Ditto villas, detached . . .	8 <i>d.</i> to 10 <i>d.</i>	£150 to £175	7 <i>d.</i> to 9 <i>d.</i>	£125 to £150
Ditto, speculative, semi-detached, better class . . .	7 <i>d.</i> to 9 <i>d.</i>	£100 to £130	6 <i>d.</i> to 8 <i>d.</i>	£90 to £110
Ditto ditto, contiguous, inferior . . .	6 <i>d.</i> to 7 <i>d.</i>	£70 to £85	5 <i>d.</i> to 6 <i>d.</i>	£60 to £75

¹ The stated price per bedroom covers the cost of the whole building.

² Kitchens and bath-rooms counted in, but not sculleries, pantries, water-closets, staircases, or entrance halls.

APPROXIMATE COST OF BUILDINGS—*continued.*

UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
Labourers' Cottages, see Cottages.				
Laundries, including plant and machinery—	Per foot cube.		Per foot cube.	
Average . . .	1s.	—	10d.	—
Minimum . . .	10d.	—	8d.	—
Libraries, Public (excluding fittings)—				
Average . . .	9d.	—	7d.	—
Minimum . . .	6d.	—	5d.	—
Lodging-houses— (Similar to Rowton Houses) . . .	7d. to 8d.	Per bed. ¹ £55 to £70	6d. to 7d.	Per bed. ¹ £45 to £60
Music-halls (excluding decorations, upholstery, etc.)—		Per head.		Per head.
Average . . .	—	£20	—	£15
Minimum . . .	—	£15	—	£7
Offices, 1st Class (with fire-resisting floors, lifts, heating apparatus, etc., complete)—				
Average . . .	1s. 2d.	—	1s.	—
Minimum . . .	10d.	—	9d.	—
Ditto, 2nd Class—				
Average . . .	11d.	—	9d.	—
Minimum . . .	8d.	—	7d.	—
Offices, Public (with council chamber, committee rooms, etc.)—				
Average . . .	1s.	—	10d.	—
Minimum . . .	10d.	—	8d.	—
Schools, Elementary (main building only), excluding central halls—		Per scholar.		Per scholar.
Average . . .	8d.	£14	7½d.	£10
Minimum . . .	7d.	£12	6d.	£7
Ditto, Secondary (main building only), excluding central halls and fittings—				
Average . . .	9d.	£40	8½d.	£37
Minimum . . .	8d.	£35	7½d.	£33
Add to foregoing if with central halls	—	£3	—	£2 10s.

¹ The stated price per bed covers the cost of the whole building.

APPROXIMATE COST OF BUILDINGS—continued.
UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube.	Per scholar.	Per foot cube.	Per scholar.
Schools—continued.				
Temporary, Elementary				
Minimum . . .	3d.	£3	3d.	£3
Sheds, excluding floor, fittings, water or light, open (with iron roofs on columns 12 ft. high)—		Per square.		Per square.
Average . . .	—	£12	—	£10
Minimum . . .	—	£8	—	£7
Ditto (for cattle shelters 9 ft. high)—				
Average . . .	—	£10	—	£8
Minimum . . .	—	£7	—	£5 10s.
Ditto, closed (with brick walls, as for markets or exchanges) 13 ft. high—				
Average . . .	—	£60	—	£50
Minimum . . .	—	£40	—	£35
Ditto ditto (corrugated iron for stores, etc.), 10 ft. high—				
Average . . .	—	£16	—	£14
Minimum . . .	—	£12	—	£10
Shops (large establishments with showrooms and fire-resisting construction, lifts, etc.)—				
Average . . .	1s. 1d.	—	11d.	—
Minimum . . .	11d.	—	9½d.	—
Ditto (large with fire-resisting construction, lifts, etc., with flats or offices over)—				
Average . . .	Per foot cube. 11d.	—	Per foot cube. 10d.	—
Minimum . . .	9d.	—	8d.	—
Ditto (not fire-resisting construction, with workrooms over)—				
Average . . .	9d.	—	8d.	—
Minimum . . .	7d.	—	6½d.	—
Ditto, with living rooms over—				
Average . . .	10d.	—	9d.	—
Minimum . . .	8d.	—	7d.	—

APPROXIMATE COST OF BUILDINGS—*continued.*

UNDER NORMAL PRICES FOR MATERIALS AND RATES OF WAGES.

Class of Building.	Within the 12-Mile Radius (which includes the whole County Area).		Outside the 12-Mile Radius.	
	Per foot cube. 8d. to 1s.	Per stall. £80 to £120	Per foot cube. 7d. to 10d.	Per stall. £55 to £75
Silos , see Granaries.				
Stables , 1st class (as for private houses)—				
Ditto, 2nd class (as for job-masters, carriers, or cavalry)—	7d. to 8d.	£55 to £70	6d. to 7d.	£45 to £55
Ditto, 3rd class (as for small hotels, etc.)	5d. to 7d.	£40 to £50	5d. to 6d.	£30 to £40
Ditto, temporary	4d. to 5d.	£25 to £30	4d. to 5d.	£25 to £30
Theatres , excluding decorations, upholstery, etc., 1st class—		Per head.		Per head.
Average	1s. 3d.	£20	10d.	£12
Minimum	1s.	£15	9d.	£10
Ditto, 2nd class—				
Average	1s.	£15	8½d.	£9
Minimum	10d.	£12	8d.	£7
Ditto, temporary as at Exhibitions, including seating	2d.	£5	2d.	£5
Ditto, covered Stadium with open sides, including seating	—	£1	—	£1
Town Halls , see Offices, Public.				
Warehouses (for mercantile purposes)—				
Average	11d.	—	9d.	—
Minimum	8d.	—	7d.	—
Ditto (for ordinary trade purposes)—				
Average	7d.	—	6d.	—
Minimum	5½d.	—	4½d.	—
Workshops , same as Factories.				

DIVISION VIII

LONDON PROPERTY

Contributed by SYDNEY A. SMITH, F.S.I., Gold and Silver Medalist and "Driver"
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CHAPTER 20

PROPERTY VALUES AND LAND TENURES

Preliminary Valuations—Market Conditions—Reversion Duty—Increment Value Duty—Year's Purchase and Leasehold Tables—Freehold, Copyhold, and Leasehold Land—London Tenancies.

Preliminary Valuation. The importance of the valuation of the land made before a building scheme or development is begun cannot be over-estimated. Upon this will depend the financial success or failure of the scheme so far as the person undertaking it is concerned, for if too optimistic a view is taken of the value which the property will have when developed the whole transaction will bear a different complexion than was anticipated, and what should have been a profit may prove to be a loss.

Upon the valuation will depend the price which is paid in the first instance for the land itself. It is common experience that the value of land changes suddenly even in the same street, for reasons which are not apparent to the casual observer. Also, buildings appearing to have equal advantages command quite different rents, although within a short distance of each other, so that in London no general standard of value can confidently be laid down as the ruling price for land or property of any description, in any particular position.

The metropolis has grown by the knitting together of the ancient cities of London and Westminster, together with the incorporation of a number of villages and hamlets. The centres of business and of fashion occur in spots and clusters in the various parts of the metropolis, while the connective thoroughfares and lesser streets are laid out on a congested and disorderly plan. Property values are as variable as are the lines of the streets. Problems of value are probably more intricate than in any other city in the world, prices being affected by an infinite variety of circumstances, such as demand, situation in regard to access, quietness, the enjoyment of light and air, fashion, and even reputation, in connection with dwellings; the traffic which passes in the case of shops, and facilities for water carriage, the closeness of railways, or conveniences for the receipt and dispatch of goods, where

factories or warehouses are concerned. All these circumstances differ in infinite variety even within short distances.

It is the business of professional valuers to know and to judge the circumstances which affect values, and it is prudent for any person about to embark upon a scheme for the development of any area of land, in a position where the value is not clearly defined, to avail himself of the judgment of an experienced surveyor.

Speaking generally, the capital value of all land and property in London, including all ordinary houses, shops, flats, manufactories and warehouses, is arrived at by a capitalization of the net rental derived or likely to be derived therefrom. This remark may not perhaps apply to areas of building land which are frequently valued at a price per acre. But even in the case of such land the price is based upon an estimate of ultimate rental value. In the case of buildings the cost of erection is not a reliable guide to the saleable value.

Market Conditions. Inquiry should be made as to the prevailing market conditions relating to the class of property proposed to be erected. There is usually a good market for first-class shop properties in all parts of London, for freehold ground rents, and for ordinary freehold residences, which offer a good and safe investment for capital, with considerable prospect of improvement in value. Other classes of property are not always in demand, and this is particularly so at the present time in the case of blocks of flats, factories, wharves, theatres, and hotels. These properties, being subject to greater risks as well as involving the outlay of large funds, appeal to a limited market, composed of persons not only having the command of larger capital, but also able to manage and develop property of the particular class.

Reversion Duty. If a property to be purchased is subject to a lease (excluding leases granted for a period not exceeding 21 years) of which only a short period remains unexpired, regard must be had to the provisions of the Finance (1909—10) Act, 1910, in relation to the payment of reversion duty. This duty is fixed at one pound for every complete ten pounds of the value of the benefit accruing to the lessor by reason of the determination of the lease. That benefit is the amount, if any, by which the total value of the land at the time the lease expires exceeds the corresponding total value at the time the lease was granted, subject to a deduction for any part of the value due to work executed or capital expended during the term by the lessor and of all compensation payable by the lessor at the termination of the lease.

Increment Value Duty. The Finance (1909—10) Act, 1910, provides for a tax, called increment value duty, to be paid, at the rate of one pound for every complete five pounds of that value accruing upon the occasion of any transfer or sale of the fee simple or of any interest in land or the grant of a lease for a term exceeding 14 years, also on death, and at periodical intervals in the case of property held by corporations. Builders must therefore reckon with the possibility of having to pay this duty upon the sale of property which they have developed. In most cases where a profit is made it should be easy to show that the enhanced value is due to the expenditure upon buildings or

otherwise, but cases may often occur in which the duty will have to be paid. Sometimes also the operations of the builder may have the effect of realizing a latent value that was in the land, but which was not regarded when the original site value was fixed in the Government valuation. The payment of the duty devolves upon the transferor or lessor, as the case may be. The amount of it cannot be ascertained until a sale or letting takes place, or the price is fixed. It depends upon the excess of the *site value*, estimated on the basis of the transaction under review, on the occasion, over either the original site value plus 10 per cent., or the site value on the last preceding occasion plus 10 per cent. (as the case may be). In cases where the whole of the increased value is attributable to works executed by the builder, or to his expenditure, no increment value duty should be payable.

Years' Purchase and Leasehold Tables. The term "years' purchase" is used to denote the multiplier which is applied to an annual income in order to arrive at the capital value of it, and the multiplier is dependent upon the rate of interest which it is required that an investment shall yield. Thus, if a freehold ground rent is worth 25 years' purchase, it is valued by multiplying the amount of the annual rent by 25, and the investment yields 4 per cent. interest.

In the case of freehold properties, the income being enjoyed in perpetuity, no consideration need be given to a sinking fund to recoup the capital expended, since the possession is not terminable, and when a definite rate of interest is decided upon, that rate of interest divided into 100 will give the required multiplier or years' purchase. Thus if 5 per cent. be expected, $100 \div 5 = 20$ years' purchase, the required multiplier.

In the case of leasehold property, the income derived will only be enjoyed for the term of the lease, and a purchaser expending a sum of money upon a leasehold investment will look to the income derived from it to provide him not only with the required interest upon his investment, but also with an annual sum which may be set aside by way of sinking fund to recoup the capital expended by the end of the term. Tables have been prepared for the valuation of leasehold property. These provide a set of multipliers which if applied to an annual income will give a capital value so related to the income that the income will both pay the required interest on that capital and also provide the annual sinking fund necessary to recoup the capital in the term of the lease.

The tables most in use are those based on the theory that the annual sinking fund will be reinvested in property of a similar kind at compound interest, and therefore the sinking fund is calculated at the same rate per cent. This is in practice impossible, and tables are available (they can be found in "Inwood's," "Willich's," and "Hurst's" Tables), which provide for interest at, for example, 6, 7, or 8 per cent., with an annual sinking fund at $2\frac{1}{2}$, 3, or $3\frac{1}{2}$ per cent. Three per cent. is a rate at which sinking fund policies can be taken out with insurance companies, so that tables on this basis are theoretically better, but such tables are not often used by surveyors or the investing public, and resort is usually had to the ordinary tables which are hereunder set out.

LEASEHOLD TABLES.

FOR PURCHASING LEASES, ANNUITIES, OR ESTATES. PROVIDING SINKING
FUND AT THE SAME RATE PER CENT.

Years of Lease.	YEARS' PURCHASE.							
	3 %	4 %	5 %	6 %	7 %	8 %	9 %	10 %
1	0.97	0.96	0.95	0.94	0.93	0.93	0.92	0.91
2	1.91	1.89	1.86	1.83	1.81	1.78	1.76	1.74
3	2.83	2.78	2.72	2.67	2.62	2.58	2.53	2.49
4	3.72	3.63	3.55	3.47	3.39	3.31	3.24	3.17
5	4.58	4.45	4.33	4.21	4.10	3.99	3.89	3.79
6	5.42	5.24	5.08	4.92	4.77	4.62	4.49	4.36
7	6.23	6.00	5.79	5.58	5.39	5.21	5.03	4.87
8	7.02	6.73	6.46	6.21	5.97	5.75	5.53	5.34
9	7.79	7.44	7.11	6.80	6.52	6.25	6.00	5.76
10	8.53	8.11	7.72	7.36	7.02	6.71	6.42	6.14
11	9.25	8.76	8.31	7.89	7.50	7.14	6.81	6.50
12	9.95	9.39	8.86	8.38	7.94	7.54	7.16	6.81
13	10.64	9.99	9.39	8.85	8.36	7.90	7.49	7.10
14	11.30	10.56	9.90	9.30	8.75	8.24	7.79	7.37
15	11.94	11.12	10.38	9.71	9.11	8.56	8.06	7.61
16	12.56	11.65	10.84	10.11	9.45	8.85	8.31	7.82
17	13.17	12.17	11.27	10.48	9.76	9.12	8.54	8.02
18	13.75	12.66	11.69	10.83	10.06	9.37	8.76	8.20
19	14.32	13.13	12.09	11.16	10.34	9.60	8.95	8.37
20	14.88	13.59	12.46	11.47	10.59	9.82	9.13	8.51
21	15.42	14.03	12.82	11.76	10.84	10.02	9.29	8.65
22	15.94	14.45	13.16	12.04	11.06	10.20	9.44	8.77
23	16.44	14.86	13.49	12.30	11.27	10.37	9.58	8.88
24	16.94	15.25	13.80	12.55	11.47	10.53	9.71	8.99
25	17.41	15.62	14.09	12.78	11.65	10.67	9.82	9.08
26	17.88	15.98	14.38	13.00	11.83	10.81	9.93	9.16
27	18.33	16.33	14.64	13.21	11.99	10.94	10.03	9.24
28	18.76	16.66	14.90	13.41	12.14	11.05	10.12	9.31
29	19.19	16.98	15.14	13.59	12.28	11.16	10.20	9.37
30	19.60	17.29	15.37	13.77	12.41	11.26	10.27	9.43
31	20.00	17.59	15.59	13.93	12.53	11.35	10.34	9.48
32	20.39	17.87	15.80	14.08	12.65	11.43	10.41	9.53
33	20.77	18.15	16.00	14.23	12.75	11.51	10.46	9.57
34	21.13	18.41	16.19	14.37	12.85	11.59	10.52	9.61
35	21.49	18.67	16.37	14.50	12.95	11.65	10.57	9.64
36	21.83	18.91	16.55	14.62	13.04	11.72	10.61	9.68
37	22.17	19.14	16.71	14.74	13.12	11.78	10.65	9.71
38	22.49	19.37	16.87	14.85	13.19	11.83	10.69	9.73
39	22.98	19.58	17.02	14.95	13.26	11.18	10.73	9.76

LEASEHOLD TABLES—*continued.*

FOR PURCHASING LEASES, ANNUITIES, OR ESTATES. PROVIDING SINKING
FUND AT THE SAME RATE PER CENT.

Years of Lease.	YEARS' PURCHASE.							
	3 %	4 %	5 %	6 %	7 %	8 %	9 %	10 %
40	23·12	19·79	17·16	15·05	13·33	11·93	10·76	9·78
41	23·41	19·99	17·29	15·14	13·39	11·97	10·79	9·80
42	23·70	20·19	17·42	15·23	13·45	12·01	10·81	9·82
43	23·98	20·37	17·55	15·31	13·51	12·04	10·84	9·83
44	24·25	20·55	17·66	15·38	13·56	12·08	10·86	9·85
45	24·52	20·72	17·77	15·46	13·61	12·11	10·88	9·86
46	24·78	20·89	17·88	15·52	13·65	12·14	10·90	9·88
47	25·03	21·04	17·98	15·59	13·69	12·16	10·92	9·89
48	25·27	21·20	18·08	15·65	13·73	12·19	10·93	9·90
49	25·50	21·34	18·17	15·71	13·77	12·21	10·95	9·91
50	25·73	21·48	18·26	15·76	13·80	12·23	10·96	9·92
55	26·77	22·11	18·63	15·99	13·94	12·32	11·01	9·95
60	27·68	22·62	18·93	16·16	14·04	12·38	11·05	9·97
65	28·45	23·05	19·16	16·29	14·10	12·42	11·07	9·98
70	29·12	23·40	19·34	16·39	14·16	12·44	11·08	9·98
75	29·70	23·68	19·49	16·46	14·20	12·46	11·09	9·99
80	30·20	23·92	19·60	16·51	14·22	12·47	11·10	10·00
85	30·63	24·11	19·68	16·55	14·24	12·48	11·10	10·00
90	31·00	24·27	19·75	16·58	14·25	12·49	11·11	10·00
95	31·32	24·40	19·81	16·60	14·26	12·49	11·11	10·00
100	31·60	24·51	19·85	16·62	14·27	12·49	11·11	10·00
Perp.	33·33	25·00	20·00	16·67	14·29	12·50	11·11	10·00

Rule for finding the value of leases, estates, and annuities, held for a term certain:—Find in the first column the term corresponding to the number of years the lease is to continue. In the line with this will be found the years' purchase, or value of one pound per annum, at the several rates of 3, 4, 5, 6, 7, 8, 9, and 10 per cent.; if this value be multiplied by the net annual rental, it will give the value of the lease.

Example. Assume a house is let on an occupation lease at a rental of 100*l.* per annum. The tenant pays all outgoings. The ground rent is 20*l.* per annum. The head lease has 60 years unexpired. The property is to be valued on the 6 per cent. tables. The calculation is as under:—

Net rental, per annum	£100 0 0
Deduct ground rent	20 0 0
Net annual income	80 0 0
6 per cent. tables. Sixty years' term, years' purchase according to tables	16·16
Valuation	<u>£1,292 16 0</u>

The provision made by the multiplier for both interest on the investment and sinking fund to recoup the capital will be seen by the following calculation :—

(a.) Interest at 6 per cent. upon 1,292 <i>l.</i> 16 <i>s.</i> is per annum	£77 11 4½
(b.) Sinking Fund. The sum to be set aside annually at 6 per cent. compound interest to provide 1,292 <i>l.</i> 16 <i>s.</i> in 60 years is (<i>vide</i> Inwood's and other tables)	
·001876 × 1,292 <i>l.</i> 16 <i>s.</i>	= 2 8 7½
	£80 0 0

If, however, the same price were paid, but reinvestment by way of annual sinking fund to recoup the capital were made at 3 per cent. instead of at 6 per cent., a slightly less annual sum would be available for interest, as is shown in the following calculation :—

(i.) Sinking fund required to provide 1,292 <i>l.</i> 16 <i>s.</i> at the end of 60 years, at 3 per cent. ·006133 × 1292 <i>l.</i> 16 <i>s.</i> =	£7 18 6½
(ii.) Balance available for interest (= 5 <i>l.</i> 11 <i>s.</i> 6 <i>d.</i> per cent.) =	£72 1 5½
	£80 0 0

Where it is required to provide for interest on the investment at a specified rate with a sinking fund at 3 per cent., or similar low rate, the special table from "Inwood's" or other book of Tables would be resorted to.

Freehold Land, subject to no adverse restrictions and capable of development, sale, or division in any way at the owner's pleasure, is of course the most beneficial for a person undertaking speculative building operations to acquire. Such a person throughout this and the following chapters is termed a "builder," as most speculating work of this kind is directly undertaken by building firms. There is a large amount of freehold land in London which is available for building or redevelopment. Frequently land, although freehold, is subject to restrictions, such as covenants against the erection of shops or flats, or covenants defining the minimum prime cost or value of houses to be erected. Restrictions of this nature must be carefully inquired into and be strictly observed, as otherwise the builder may find himself faced with an injunction.

Leasehold Land is also very common, and, even where a choice can be made, builders frequently prefer to take leasehold land on account of the smaller capital required. Many of the large landowners refuse to sell any part of their freehold estates, and it is the policy of many public bodies, such as the Crown, the Duchy of Lancaster, the City Corporation, the London County Council, the Ecclesiastical Commissioners, etc., to retain the fee simple of their land, except in rare instances. It therefore follows that builders desirous of taking any land from such bodies must of necessity be content with a leasehold interest.

The length of the lease, in accordance with the practice prevailing in London, will be for 80 or 99 years, or possibly 999 years, but the latter term is less frequent. Generally speaking, a term much less than 80 years is not worth building upon, being insufficient to enable the outlay to be recouped,

and difficult to sell or mortgage. A *peppercorn* ground rent (namely, "one peppercorn per annum if demanded," being a rent equivalent to nothing) is usually allowed to the builder for six months or a year, or longer, the period being the estimated time it will take to erect the buildings and sometimes also an allowance of time for letting.

The leasehold system has many drawbacks. These are, however, more felt by occupiers and owners than by builders. On the other hand, it has many advantages, chief among them, from a builder's standpoint, that by taking leasehold land he does not need to invest a large sum in the purchase of the property. This is a point of no small importance in London, where land values are high. Freehold property, however, is easier to sell or mortgage than leasehold property, especially in the early stages, and it is easy for a builder to recoup a part of his outlay in the case of freehold land by the creation and sale of ground rents.

Among leasehold sites, those held of the corporations and great landowners find a readier market than leaseholds held of smaller owners, as the former are usually better landlords. When, however, leases are taken from the great owners care must be taken to see that the form of lease is a reasonable one. Certain of the bodies owning vast estates impose covenants and conditions which are unduly onerous and exacting, but which may be considered harmless by reason of the known practice of the lessors. Such covenants frequently hamper subsequent dealings with the land and should be resisted.

Certain leases are perpetual, subject to a renewal fine every 14 years or so. In the vicinity of Bond Street are many properties held of the City Corporation, where a low annual ground rent is paid for the property and a new lease can be taken every 14 or 28 years upon payment of a fixed fine of small amount. A lease of this type is practically a lease in perpetuity, but the lessee must take care to renew his lease from time to time. The need to do this would render it difficult for the lessee to grant a sublease for a long term, as, say, 80 or 99 years, but this is sometimes done, when of course the corporation lessee must covenant to obtain the required renewal at the stated periods.

Certain of the large London landowners are willing, during the first few years of the term, to convert ordinary 99 year leases into leases of 999 years, subject to the ground rent being increased by 15 or 20 per cent. It is not, however, in all cases that the added value due to the lengthened lease makes it worth a lessee's while to pay the extra ground rent, and sometimes the effect of increasing the ground rent beyond the customary proportion of the rack rent is to make the property unsaleable. It is usually considered that the ground rent of a suburban house should not exceed $\frac{1}{5}$ th or $\frac{1}{6}$ th of the rack rent, but the ground rent of a centrally situated property may bear as high a proportion as $\frac{1}{4}$ th or even $\frac{1}{3}$ rd of the rack rent.

Copyhold Land. Copyhold property is not uncommon in London. The ancient customs regulate the payments to be made by the tenant to the lord of the manor. These generally consist of the following:—

- (1) *Quit Rents*.—Small annual rents paid to the lord. They rarely amount to more than a few pence or shillings per annum.

- (2) *Fines*.—Payments made to the lord upon the admittance of a new copyhold tenant consequent on a transfer arising from a sale of the copyhold or the death of the tenant.

Fixed Fines are of fixed amount, as for example 10*l.*, or “one year’s net annual value” of the copyhold tenement.

Arbitrary Fines are fines which the lord of the manor may fix at his discretion, limited, however, to two years’ net annual value of the tenement.

- (3) *Heriots* consist of the right of the lord, upon the death of the tenant, to take the best beast, or best chattel, etc., of which the late tenant died possessed.

Many heriots have by custom or practice been commuted into money payments.

The steward is the best person to resort to for information as to the customs of the manor.

Timber on and minerals in copyhold land generally belong to the lord.

The fine on admittance to a copyhold property is paid by the purchaser who is to be admitted, and fees are paid to the steward for the enrolment of the new tenant.

The sanction of the lord is required before a lease for longer than one year can be granted by the copyholder. The lord may impose terms for the grant of the licence, as, for example, a leasing fine of 5 per cent. upon the rent for the first year.

A copyholder cannot legally pull down buildings without the consent of the lord.

Rebuilding a property will increase the amount of the fines dependent upon annual value, so that before rebuilding is undertaken the tenement should be enfranchised, if possible.

Copyhold property can, except in very few instances, be enfranchised and made freehold, either by agreement between the lord and the copyhold tenant, or *compulsorily* at the option of either the lord or the tenant under the Copyhold Act, 1894. In the case of Crown manors or manors part of the Duchies of Lancaster and Cornwall, the Act does not apply, and enfranchisements can only be made with the lord’s consent, which, however, is usually given.

The basis upon which enfranchisements are made is that of a payment by the tenant to the lord of the fair value of the lord’s freehold rights. Each incident of copyhold tenure is separately considered by the valuers appointed respectively by the copyholder and the lord. Compensation is also payable to the steward of the manor for loss of future fees.

Copyhold property is generally valued upon the basis of the value of the freehold, deducting therefrom the valuer’s estimate of the cost of enfranchisement.

It is frequently of advantage to arrange with a vendor of copyhold property that he shall enfranchise it before sale (at the purchaser’s expense) and convey it as freehold.

London Tenancies. Private residences in the fashionable quarters, and the larger houses in the suburbs, are generally let on occupation leases for terms of 7, 14, or 21 years, with option of determination as a rule by the

lessee only. The lessee pays all rates and taxes. He covenants to repair the property, and usually also to pay the insurance premium.

Houses of lesser importance are taken on three years' agreements, and the tenant pays the rates and taxes and often does internal repairs, while the landlord does outside repairs. Such agreements often contain options for the tenant to renew his term at the end of the three years.

Many houses are let on yearly tenancies, the tenants having to pay the rates and taxes but being liable for no repairs.

Working class houses, cottages, maisonettes, and similar dwellings are let at monthly and weekly rentals, the landlord paying all the rates, taxes, for repairs, and all outgoings of every description.

Flats are usually let on 3-yearly agreements, the landlords paying all the outgoings, but in flats of the highest class the tenants sometimes hold on lease and are liable for internal repairs. In nearly all cases the landlords pay the rates and taxes, although the individual flats are usually separately rated. Small flats are often let on monthly and quarterly tenancies.

Shops of importance are usually held by occupying tenants for terms of 7, 14 or 21 years upon full repairing leases. Smaller properties may be taken on 3 years' agreements, yearly tenancies, or even monthly and weekly tenancies, the liabilities of landlord and tenant respectively as to the payment of rates and taxes and liability for repairs being as in the corresponding tenancies of ordinary dwellings.

CHAPTER 21

DEVELOPMENT OF LAND

Development of Suburban Land—Valuation of Building Land—Improved Ground Rents—Building Agreements—Finance—Undeveloped Land Duty.

Development of Suburban Land. The method of development will affect the value of building land, since the value depends primarily upon the class and character of the building or buildings which can be put upon it, and the demand which exists for such buildings ; care must therefore be exercised to weigh every factor before making a decision as to the size and class of property to which land is to be devoted.

In the case of suburban land, only comparatively small areas are available in London, and the considerations which would affect town planning schemes would rarely apply. It is generally wiser to follow on the lines of settled demand rather than start a wholly new venture, unless reasons exist to warrant the enterprise. Building operations should not be begun unless a demand exists for houses. The following points require to be considered to arrive at a decision as to whether suburban land is ripe for building.

- (1) Proximity to railway stations, tramway and omnibus routes, frequency of service and length of journey to the City and West End.
- (2) Healthiness of situation and closeness to parks, the river, etc., and freedom from proximity to nuisance factories, the sewage outfalls, etc.
- (3) Success or otherwise of modern houses in the locality, and demand for accommodation. Sometimes new life can be given to an apparently stagnant district by the erection of houses of a different type and character, and often the redevelopment of old property takes the form of the erection of flats.
- (4) Class of occupiers in the district and general character of the neighbourhood, and recent improvement or depreciation in popularity.
- (5) Shape of land, ability to connect new roads (if any) with two thoroughfares, and ability to drain into sewers. Also levels, to see they are such as to permit of roads being made which conform to the standard requirements of the London Building Act.

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The question of road making is an important one. The road should be well made in the first instance, and be kept in good order while the houses are being erected to enable probable purchasers to obtain free access to view the houses. Generally speaking, when an estate is developed a "builder's"

22 road is at first made. The construction of such a road should be 9 ins. to 15 ins. hard core, 3 ins. gravel, and a layer of flints, with sewer, and gullies, kerb, and gravel path. When the houses are all built, or nearly so, the road is made up by the local Borough Council. The cost is then apportioned among the frontagers. The builder's road referred to with sewerage costs about 30s. per foot run, and the subsequent making up from 25s. to 2l. per foot run. These prices will, of course, vary in different districts, and are for the minimum width of 40 ft.

When laying out even a small estate it is best to make the roads of good width, to give full depths to the plots, and to provide that houses be well set back from the road; while such improvements as planting the roads with avenues of trees (which the Borough Councils will as a rule thereafter maintain), preserving any existing timber, leaving open spaces at important intersections of roads, and generally securing a pleasant and attractive appearance to the estate as a whole, will more than repay the cost, as purchasers of houses now look for pleasant surroundings so far as possible, as well as requiring an artistic finish to the houses themselves. The type of house to be erected will need careful consideration. For ordinary villa residences not only is a variety of design almost essential, but the design must be in good style, and the houses need to have every detail well thought out and arranged. Modern villas often include halls with parquet or tiled floors, good mantelpieces and stoves, picture rails, porcelain enamelled baths, tiled dadoes to bathrooms and sculleries, electric bells, plentiful cupboards, and many other minor conveniences, which although inexpensive separately, yet in total add greatly to the cost. The stringent requirements in force in the metropolis, which involve the construction of drainage upon the most modern principles, regardless of cost, and the provisions of the Building Act and by-laws with regard to general construction, render it by no means easy to build houses at a price which will leave a margin of profit when they are sold.

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104 **Valuation of Building Land.** When the type of house to be erected is settled a fair estimate can be made of the prices at which such houses will be saleable, either freehold or leasehold, and also of the value of the ground rents in the latter case. These figures will be the basis of a valuation of the land.

If it be intended to sell the houses freehold, the amount by which the sum that will be realised exceeds the cost of erecting the houses obviously covers the value of the land plus the cost of making it fit for building upon, legal expenses, loss of interest on capital embarked, and development profit. To find the value to a builder of an area of land upon which, say, 50 houses are to be erected, the procedure would be as follows:—

1. Estimate the ultimate saleable value of each house and deduct the cost of erection, thus giving the gross profit on the operation, and multiply by the number of houses. The saleable value of the houses will best be judged by comparison with the prices realised for similar properties in the district. Purchasers of well-planned modern houses for occupation will frequently pay 20 years' purchase of the net annual value for the freehold, or 16½ years' purchase for the leasehold interest.

2. Estimate each of the following, bring them to a total, and deduct it from the gross profit above described :—

- (a.) The cost of road making, sewerage, and similar works (if any). 274
As a rule the electric light cables and gas mains will be laid by the supply companies without charge, or without greater charge than a temporary annual percentage on the cost.
- (b.) The amount of the legal and surveying expenses incident to the purchase of the land, connected with the road making, with the preparation of plans, and incident to the sale of the houses, as well as the expenses of finance. Incidentally it may be remarked the conveyancing expenses will be less if the title be registered.
- (c.) Land tax and tithe redemption. Land tax should be redeemed 295 or it will become larger when the annual value of the property is increased. Tithe rent charge should also be redeemed, if possible, to avoid difficulties of apportionment. If undeveloped land duty will have to be paid for any length of time it must be allowed for. 278
- (d.) The loss of interest at, say, 5 per cent. upon the money laid out in the purchase of the land, costs, road making, and expenses, building operations, and redemption of land tax, &c., calculated from the time the several sums are expended to the time the houses are expected to be sold.
- (e.) Increment value duty (if any). Generally speaking, however, none 265 should be payable in ordinary cases of development.
- (f.) Lastly, the fair profit which a builder would expect by way of return for the risk and trouble incident to the venture, as, for example, say 15 per cent. upon the gross receipts.

The resulting figure would be the price a builder might give for the land.

If, however, the estate would take a long time to cover, an appropriate deduction might require to be made from this figure.

A similar basis would apply if the land were to be partly used for shops, flats, manufacturing premises, etc.

As an alternative to selling the houses as freehold, they could be sold leasehold, and ground rents could be created of from one-fifth to one-sixth of the net annual value of the houses. The leasehold houses would then be sold at about their actual cost, or a small percentage above it, the builder deriving his major profit from the sale of the ground rents created. This is a favourite practice, and it accounts for the low price of many leasehold houses. The leases granted would in most cases be for terms of 99 years, and the freehold ground rents would realise about 24 or 25 years' purchase when the houses are occupied. If this method of dealing with the houses is to be adopted, the valuation of the land will be the capitalised total value of the ground rents, less the cost of laying out, legal and other expenses, interest on capital, and profit.

The leasehold system enables a builder to develop an estate with less 269 capital than would otherwise be needed. In such cases the owner would usually make the roads and let the plots to the builder. The practice in London in settling the price for suburban land to be let on building lease is to

assess the land at a ground rent of so much per foot of frontage. Rents vary from about 4s. to 10s. per foot frontage upon residential roads in ordinary suburbs; an average rent for the sites of houses letting at 50l. per annum would be about 6s. per foot.

Improved Ground Rents. When an extensive area of land is let to a builder the ground rent for the whole is often apportioned in amount for each plot, or assessed at a price per foot of frontage, and the builder is permitted to increase the original ground rent on each plot to a defined sum after the house is erected, as for example, to increase the ground rent to, say, one-sixth of the rack rental value of each house. The difference between the original ground rent payable to the freeholder and the ultimate ground rent so fixed is often bought by the freeholder at a fixed price, as, for example, at 20 years' purchase. To illustrate this, let us assume a builder takes land with 1,500 ft. of available building frontage in 50 plots of 30 ft. each at ground rents of 7l. 10s. per plot. The houses when built are of a rental value of 60l. per annum each, and the builder then creates ground rents of 10l. per annum on each house. The freeholder thereupon grants leases direct to the purchasers for terms of 99 years at 10l. per annum ground rent each (instead of 7l. 10s.), and pays to the builder 50l. on the grant of each lease, being the price at which the freeholder buys the improved ground rent represented by the difference between 7l. 10s. and 10l.

This arrangement does not increase the ground rental value of the land in bulk at the time it is bought, because although the ground rents of 10l. per house can be created after the houses are erected, the excess is a profit due to the operation of building, and not due to the land alone.

The builder could of course, as an alternative to the above, take his 99-year leases at the original ground rent of 7l. 10s. each house per annum, and grant underleases to his purchasers for 99 years, less, say, three days, at 10l. per annum, and thus create leasehold ground rents, which would be saleable at from 14 to 16 $\frac{2}{3}$ years' purchase, but by adopting the first arrangement he gets a better price for the improved rent, while the lessees obtain direct eases for the full term from the freeholder, which is generally preferred.

As a further alternative the builder could sell the houses subject to the original ground rent, but to do so he would have to charge a higher price for his houses, which would often have the effect of making them less saleable.

Yet another alternative, applicable in cases where the freeholder is not desirous of purchasing the improvements in the ground rents, is that the builder shall be allowed to apportion the total ground rent payable to the freeholder into separate ground rents upon the various plots fixed at the builder's option, providing for the freeholder's protection that each ground rent shall not exceed some defined proportion of the value of the house—as, say, not over one-sixth of the annual value, and when these separate ground rents equal the full ground rent that the builder shall receive a lease of the residue of the land for the term of 99 years at a peppercorn ground rent. To illustrate this, adopting the example above, if the builder took say 1,500 ft

of land at a rental of 5s. per ft. of frontage, the total ground rent would be 375l. per annum. When, therefore, he had built 37 houses of a rental value of 60l. per annum each, he could assess ground rents of one-sixth, namely, 10l. per house = 370l. on the 37 houses, and, say, 5l. on the 38th house, and by this means secure the payment to the freeholder of the total ground rent agreed upon. The 38 houses would have 30 ft. frontage each = 1,140 ft. of frontage, and for the residue (360 ft.) the builder would take one lease at a peppercorn ground rent, and as he built and sold further houses he could grant underleases at ground rents, thus creating leasehold ground rents, or he could sell the houses subject to peppercorn ground rents only at correspondingly higher prices. Where such a lease is granted at a peppercorn rent the freeholder should be careful to make a clause in the lease for all assignments to be registered with him.

Rearrangement of the ground rent in one of the ways set out above is by no means essential to estate development. Builders could leave the original ground rents untouched. But it is found in practice that London purchasers generally prefer to pay a lower price for a house and be subject to a higher ground rent, rather than to have a lower ground rent and pay a correspondingly higher price.

Building Agreements. The lease is not often granted directly the land is taken, but a building agreement is entered into. This contains all the terms agreed upon, such as the period for which a peppercorn rent only shall be paid; the sizes of the plots and the class of house to be erected; building stipulations to regulate the building line, fences, restrictions against trade, etc.; as to the apportionment of the total ground rent upon the plots to be laid out; as to the purchase by the freeholder of improvements in the ground rents, and all other terms agreed upon, while in the schedule is put the form which the leases to be granted will take, so as to save subsequent negotiation as to the terms of it.

The building agreement also sets out the scale of costs to be charged by the freeholder's solicitor in connection with leases and by his surveyor in respect of approval of plans, superintendence of buildings, and certifying the completion of the houses.

It is sometimes also arranged that the builder shall be permitted to buy out the freeholder's interest in any plots at a fixed price, thus enabling him to sell the freehold of any particular house to any purchasers desiring to buy the freehold. Care must be exercised in doing this, as if the house is erected, the merger of the leasehold interest into the fee simple may operate to cause substantial reversion duty to be payable under the Finance (1909-10) Act, 1910. 265

Building Finance. Another detail often arranged between the freeholder and the builder and set out in the building agreement is that the freeholder shall assist the builder by advances as his operations proceed. Such assistance may take the form of, say, 75 per cent. of the value of the work done, to be estimated from time to time by the freeholder's surveyor, or it may be, and more usually is, based upon a fixed schedule of advances agreed upon beforehand. Thus, for example, it may be provided, in the

case of houses the total cost of which will be, say, 600*l.*, that the advances are to be made upon some such schedule as follows :—

	Advance.
1. Brick-work finished, joists laid, window and door frames fixed, drains laid in trenches	£100
2. Roof finished and tiled or slated, brick-work pointed, chimney pots fixed, gas pipes, bell wiring and electric wiring run, drains covered in and manholes built, drains tested and passed, fences up	£100
3. Partition walls and partitions in, floor boards laid and ceilings lathed, sashes fixed, cement hearths laid, and the house ready for plasterer, approach paths formed . . .	£100
4. Plastering done, staircase in and balusters fixed, stoves, mantelpieces, and tile hearths fixed, carpenters' and joiners' work done, plumbing completed, picture rails up, cup-boards fixed	£100
5. Door and window furniture in, all complete, except decorations.	£50

Undeveloped Land Duty. This duty, amounting to $\frac{1}{2}d.$ per annum for every 1*l.* of the site value of undeveloped land, was made payable by the Finance (1909–10) Act, 1910. There are many exemptions from the duty, the principal one affecting builders being that where an expenditure has been made upon road-making, one acre of land shall be exempted for every 100*l.* so expended. This exemption has the effect of rendering the duty unimportant to builders actively proceeding with the development of land. The exemption only lasts for a period of 10 years after the expenditure is made.

CHAPTER 22

DEVELOPMENT OF BUILDING SITES

**Shops—Hotels—Factories and Warehouses—Residential Flats—
Artisans' Dwellings—Offices—Theatres and Music Halls.**

Site Values. The value of an area of land of smaller extent than a building estate will also depend principally upon the ultimate sum which can be obtained from it by development. Thus, for example, if a site is situate in a main trading thoroughfare and is suitable for the erection of a block of shops with residential suites above, the value which the site will possess to anyone desirous of purchasing it with a view to building upon it, will depend upon the ultimate value of the property when developed, and will in fact be that figure less the various items of the cost of erecting the buildings, loss of interest upon the moneys expended up to the time the buildings are productive of income, legal costs, surveyor's and architect's fees, costs incident to effecting lettings, etc., and the profit upon the undertaking.

Such a valuation would be made in the following way :—

EXAMPLE OF SITE VALUATION.

FORM OF VALUATION OF A FREEHOLD CORNER SITE SITUATE IN AN IMPORTANT
TRADING THOROUGHFARE INTENDED FOR THE ERECTION OF A BLOCK OF
PROPERTY COMPRISING SHOPS WITH RESIDENTIAL FLATS OVER.

		Estimated net income per annum.
Ground Floor and Basement.		
Main Street.	12 Shops aggregate estimated net rentals upon lease.	£ 4,000
Side Street.	3 Shops aggregate estimated net rentals upon lease.	300
First Floor.	6 Residential Suites estimated value, gross, per annum	£ 500
Second Floor.	6 Residential Suites estimated value, gross, per annum	400
Third Floor.	6 Residential Suites estimated value, gross, per annum	325
Total gross rents		£1,225
<i>Deduct</i> local rates, say		£210
,, water rate, say		35
,, inhabited house duty		30
,, management expenses, porters' wages, repairs, and risks		200
		475
		£750

EXAMPLE OF SITE VALUATION—*continued.*

			Estimated net income per annum.
	Brought forward	£750	£4,300
<i>Deduct</i> insurance upon the whole property		50	700
	Total net income		£5,000
	16½ years' purchase to 20 years' purchase, say		20
			£100,000
<i>Deduct</i> cost of erecting the buildings			
Loss of interest during construction and letting; costs, etc., and builder's profit, say			60,000
	Value of land		£40,000

It is difficult to give any reliable figures of land values in London, but the following records of prices may be of interest:—

EXAMPLES OF SITE VALUES.

Situation of property.	Annual Rental per sq. ft. on building lease.	Situation of property.	Annual Rental per sq. ft. on building lease.
	£ s. d.		£ s. d.
Aldwych	0 8 0	Knightrider Street	0 5 0
Basinghall Street	0 5 0	Mincing Lane	0 6 6
Camberwell Road	0 0 4	Minories	0 2 0
Cheapside	1 4 0	Newcastle Street	0 1 4
Ditto	0 17 0	Newgate Street	0 15 0
Clare Market	0 2 0	Oxford Street	0 18 0
Clarges Street	0 4 0	Ditto	0 10 6
Curtain Road, near	0 0 6	Ditto	0 5 0
Drury Lane	0 3 0	Pemberton Row	0 1 6
Ditto	0 1 0	Piccadilly	1 1 6
Fann Street	0 1 6	Ditto	0 18 0
Fetter Lane	0 3 0	St. Martin's Lane	0 2 6
Ditto	0 2 4	Shacklewell Lane	0 0 2
Finsbury Circus	0 10 6	Shaftesbury Avenue	0 6 3
Ditto	0 5 8	Ditto	0 3 0
Finsbury Square	0 3 0	Threadneedle Street	1 5 0
Great Queen Street	0 2 6	Tottenham Court Road	0 3 0
Harp Lane	0 2 9	Tudor Street	0 4 0
Horseferry Road	0 1 0	Upper Thames Street	0 1 9
Kensington High Street	0 2 6	Vauxhall Bridge Road	0 1 0
Ditto	0 3 0	Whitcomb Street	0 1 6
Kingsway	0 5 0		

These figures are given as examples only, and are not stated as being ruling values in any of the streets mentioned. It is obvious that considerations of position

and the ability with which a site can be profitably developed preclude the possibility of stating a standard of value for any particular thoroughfare. The term of the lease in each case was 99 years. An indication of the capital value of the land in any particular case may be obtained by multiplying the annual rental by the appropriate number of years' purchase, which would vary from 20 to 28.

Shop Properties. The question of the class of property, the erection of which gives the greatest promise of success, will in many cases be apparent from an inspection of the site. Thus if it be in an important shopping thoroughfare, like Oxford Street, Regent Street, etc., or at a prominent corner or in a position facing or adjoining railway stations, or in continuation of an existing line of successful shops, it will be obvious that shops will let well, while any other class of property might not do so. Except in such positions as these, the erection of shop property cannot be assured of success. Shops should not be built in side streets unless an undoubted demand for such accommodation exists. Even in the case of shops in a main thoroughfare problems may arise, one difficulty frequently met with in practice being the method of dealing with the upper parts of the new buildings.

There are certain thoroughfares in which upper floors will let well as offices. This is particularly so in the City itself, and in such thoroughfares as Fleet Street, Chancery Lane, Kingsway, Victoria Street, etc., but in most shopping thoroughfares there is a far greater supply of office accommodation afforded by upper portions of shop premises than the demand requires. Sometimes traders can utilise the floors above their shops either for domestic purposes or for the purposes of the trade carried on. In restaurants, large drapery establishments and other businesses requiring an extensive floor area for show-room purposes, the upper floors are of great value, but the trades of this description are not numerous. In some of the larger modern blocks of shops the difficulty of adequately utilising the upper parts not likely to be required by the shopkeeper either for business or for dwelling purposes has been met by building all the shops as lock-up shops, with the basements only appropriated to them, arranging the upper floors as residential suites, and this often gives a good result. Upper floors can also be used with advantage for the purposes of an hotel, as has been done in Southampton Row and in the case of the superstructures over the Central London Railway stations at Bond Street, Marble Arch, and in many other instances.

Upper parts are particularly useful for temperance hotels, but fully licensed hotels usually require public bars on the ground floor.

Shops in important positions are generally let upon occupation leases, the tenants paying the rates and taxes and doing all repairs. Less important shops are let on three years agreements, when the landlord will as a rule be responsible for the repairs, and these must be allowed for as well as other contingencies, before a valuation can be made. Generally speaking, freehold shops in good positions will command 18 to 25 years' purchase of the net rentals derivable. Leasehold shop properties will fetch from 14 to 18 years' purchase. In poor situations, however, lower prices would be realised.

Hotels. A first-class hotel should occupy a central position, near to the principal railway stations for convenience of access, and also to the theatres and shops, if intended to attract provincial and Continental visitors. The West End and west central districts are recognised as hotel centres. A prominent position is valuable. If a banqueting and dining connection is aimed at, the position should be close to Piccadilly Circus or in the Strand, Oxford Street, or Regent Street. A new hotel designed for commercial use might occupy a site in the west central district.

At the present time the erection of a new fully licensed hotel does not often prove a remunerative undertaking.

Patrons of even small establishments look for a high standard of comfort in the public rooms, elegance of furniture, and ample service. These demands involve a great annual cost for maintenance and render it difficult to earn a sufficiently large profit in ordinary cases after all the expenses are paid to meet the licence duties under the Finance (1909-10) Act, 1910, and monopoly value duty under the Licensing Act, 1904, as well as to pay an adequate return upon the capital invested in land, buildings, furnishing, and equipment. No one, therefore, not possessing an intimate knowledge of hotel management should develop a site for a fully licensed hotel without expert advice.

Suburban hotels in London are rarely built to accommodate guests. Generally they are superior public-houses with a coffee or dining-room trade in addition, and often a hall for dances and meetings and a masonic temple. Such hotels are generally successful if built in a locally central position.

Public-houses should be erected only in prominent corner positions.

New licences for public-houses are most difficult to obtain, and are also subject to the payment of the monopoly value duty introduced by the Licensing Act, 1904. Hotel licences for suburban hotels are only granted where an undoubted need exists for a house of refreshment.

Factories and Warehouses. The suitability of sites for factories and warehouses in London depends chiefly on the following points:—

- (1) The ease with which the raw material can be brought to the factory;
- (2) Facilities for despatching the manufactured article to the retailer or consumer;
- (3) Ability to obtain labour readily.

Other matters such as facilities for obtaining electric and hydraulic power, and similar questions, are not subject to very great variation in the different parts of London. The local rates, however, vary greatly in different districts, and the amount of the rates thus has an effect on the value of property in a district.

Incidental points will need consideration, such as the prominence and advertising facility enjoyed by any particular site, the need for a great amount of light in particular trades, or for isolation from other buildings in "nuisance" factories, or from neighbouring buildings when a hazardous trade is to be carried on.

The receipt of raw material and the despatch of goods will be largely facilitated if a factory enjoys river or canal frontage, or the benefit of a railway siding. There are many sites in London, as at New Cross, Kingsland, Hackney, Paddington, Pimlico, and elsewhere, where sites can be obtained with canal and often also with railway frontage, and sites such as these are of great value for many manufacturing trades. Unless, however, a site has outstanding advantages, full inquiry must be made as to the demand before factories of any size be erected, except in the recognised factory and warehouse centres. Large premises of this description situate anything more than half a mile from the centre of London are difficult to let, and experiments in building them in untried situations are likely to result in failure. Even in factory and warehouse neighbourhoods a liberal allowance must be made for the time during which the premises may remain unlet after completion, because tenants are not so numerous as are the premises at the present time, although factories enjoying good light and having fireproof staircases and ample lavatory accommodation are required in all the central parts of London.

Sites in side turnings from a main shopping thoroughfare are often of value for warehouse and factory purposes because of their proximity to the retailer, as it often will be found that large and small factories or warehouses are needed for use in connection with the principal shops or for trades serving them. As an illustration of this, very many such factories exist in the streets adjacent to Oxford Street, Regent Street, and Bond Street, and they are in large demand. Of recent years a number built in the streets adjacent to Tottenham Court Road and elsewhere have let well.

Sites in London have latterly been greatly in demand for the purposes of the motor car industry. Positions of importance have been taken up for show and sale room purposes, while factories have been brought into usefulness for their construction and the manufacture of the many accessories required upon cars. The demand has been felt in every district of London, and new buildings for their accommodation have been a feature of recent building activity in London.

Factories which employ a large number of hands are usually erected in the east end or at the extreme west, north, or south of London owing to the better facilities for obtaining labour in those parts; or else in recognised centres like Southwark.

Factories and warehouses of large size are usually let to the occupiers on full repairing leases. If factories are let out in separate floors, the landlord usually pays the rates and taxes instead of the tenant.

Properties of this class do not now sell well. They are not in favour with the investing public, being difficult to let when empty. Old buildings are subject to the risk of requirements being made under the Factory and Workshop Acts. Freehold factories are valued upon 6, 7, or 8 per cent. tables, and leasehold factories upon 6 to 10 per cent. tables. The saleable value of this class of property has largely depreciated during the past few years. 182

Residential Flats. Almost any position in London is suitable for the erection of flats, because residential flats of some sort or another will let in

every district. In Mayfair, Piccadilly, Bayswater, Kensington, and the other fashionable parts of London, large residential suites will let at very high rentals. Such flats, however, need to be well constructed, to be fitted with mantelpieces, stoves, baths, and other fittings of the best quality, to have passenger lifts, entrance halls with fireplaces and panelled walls, carpeted stairs, telephones, and every modern convenience.

Blocks of flats in less fashionable districts need not be as well furnished and fitted, and the passenger lift can be dispensed with, but tradesmen's lifts will still be required, and provision should be made for a resident porter.

In flats of any importance, basement suites should if possible be avoided, because they are difficult to let at adequate rentals. Most blocks of flats contain five or more stories. The first floor suite is, as a rule, the most favoured, and yields the highest rent; the second and third floors are of slightly less value, while the fourth and higher floors and the ground floor are priced at the lowest rentals. In more important blocks, such as Whitehall Court, St. James's Court, Westminster, Hyde Park Court, Cadogan Court, and similar properties where good lift accommodation is given, the upper floors possess values more nearly equal to the others. In many important properties, services such as ordinary catering and valeting are provided for the tenants' convenience, and even a restaurant may be carried on by the landlords for the use of the occupiers of the flats.

It is almost an invariable practice in the letting of flats in London for the landlord to pay all rates, taxes, and outgoings. In certain high class flats the tenants do all necessary internal repairs, but these are few, and in most cases the landlords pay for all repairs of every description.

Artisans' Dwellings. In London there are companies such as the Artisans' and Labourers' Dwellings Company, the Metropolitan Industrial Dwellings Company, Guinness and Peabody Trusts, and many others which exist with the object of erecting large blocks of artisans' dwellings, and often by their articles of association or trust deed they are restricted to a return of 5 per cent. upon their capital, or even no return whatever. There are also the London County Council and the Borough Councils, who exercise powers for housing the working classes. Further, many blocks of dwellings have been erected by railway companies and others to provide for the re-housing of persons disturbed by the demolition of houses under compulsory powers. The result of these operations is that a private investor can only in very rare cases erect artisans' dwellings at a profit in competition with these bodies. The standard of ruling rentals will not usually enable a remunerative percentage to be earned on the cost of the buildings when added to the value of ordinary land.

Valuation of Flats and Artisans' Dwellings. When a decision has to be made as to the price to be given for a site upon which high class residential suites, ordinary flats, or artisans' dwellings are to be erected, an estimate must first be made of the value of the property when completed. This will be based upon the rentals to be derived from the letting of the flats provided in the buildings when erected. From these rentals must be deducted the outgoings payable in respect of the property, to arrive at the net income to be capitalised. These outgoings will differ in the several classes of property,

as smaller and less important blocks of flats and artisans' dwellings would not be saddled with the cost of running and maintaining passenger lifts, nor the wages of hall porters, and little attendance would be given.

The items to be deducted are the cost of repairs, insurance, rates, inhabited house duty, land tax, water rate, porters' and housekeepers' wages and materials, cost of running and repair of lift, accident insurance in connection with lift, lighting of staircases, employers' liability, insurance of servants, inland revenue licence for men-servants, and other expenses which the landlord is liable to bear. Risks under the Housing, Town Planning, &c., Act, 1909, s. 14, should also be insured against.

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Freehold flats are valued upon their net income at from 12 to 18 or 20 years' purchase, while leasehold flats are valued at from 10 to 16½ years' purchase.

Blocks of flats are now most difficult to obtain mortgages upon, there having been an enormous depreciation in the saleable values of such properties recently. The difficulty of finance is a factor which deters many builders from erecting property of this class. Formerly flats were regarded as a desirable class of investment, but at the present time there is, probably only temporarily, practically no market whatever for the sale of flats at satisfactory prices. A valuation of a block of freehold residential flats would be made in the form set out as follows:—

EXAMPLE FORM OF VALUATION OF FLATS.

Assume the flats produce gross rents of per annum . . .	£900
<i>Estimate of Deductions.</i>	
Rates. Total rateable values, say £480 . . .	
Rates at 7s. in the £	168 0 0
Inhabited house duty 9d. on £576 total of gross values	21 0 0
Water rates	24 0 0
Insurance, say	5 0 0
Land tax, assume none.	
Housekeeper and porters and cleaning materials. }	
Running of lift and lift maintenance and repair . }	132 0 0
Repairs, and sundry charges	
	£350
Net income, say	£550
Years' purchase, say	18
	<u>£9,900</u>

A similar form of valuation would be adopted for a block of artisans' dwellings, but the risks and expenses of maintenance are higher in those cases.

Offices. There are many factors which must be taken into consideration when catering for the needs of tenants of office buildings, but pre-eminent among them is the question of situation. It may be taken that the important office localities are well defined in London, and that the principal office district is near to the Bank of England. But offices, so far as locality is concerned, are likely to be successful in most of the streets lying within the limits which would

be enclosed by drawing a line from the Tower Bridge, through Aldgate, Liverpool Street, Moorgate Station, Holborn Circus, British Museum, and Charing Cross, with the river as a southern boundary, and adding in Whitehall and Victoria Street, Westminster, with several adjacent streets. Suitable office positions occur in all parts of London, but the demand is less than in the recognised office localities, and, generally speaking, all the office requirements in secondary positions are met by the utilisation of shops and the upper parts above them.

The highest rentals are obtained for offices near to the Stock Exchange, because it is of great advantage for members thereof to be able to go quickly into the Exchange, and the competition of stock brokers, bankers, insurance companies, and the general public is very keen, with the result that in a good building in that locality rentals of 30s. and 40s. per foot of floor space for the best offices are common.

The office districts are very much divided into areas. Thus, in the vicinity of Mincing Lane, offices connected with the corn and produce markets predominate. Near to Lloyd's Avenue are mostly shipping offices. Close to the Bank of England are found stockbrokers, the head offices of insurance companies, banks, foreign railway companies, and financial houses. In the region of Aldersgate are the houses for wholesale fancy goods, etc. (in a part of this district the fire risks are considerable). St. Paul's Churchyard is famous for wholesale drapers and lace manufacturers. Solicitors, other than those with a commercial practice, prefer to be near to the Law Courts, principally in Lincoln's Inn, Gray's Inn, Chancery Lane, the Temple, and the streets near the Temple Station. The practising barristers affect a small area, and their chambers are principally in the Temple and Lincoln's Inn, while a few have additional chambers in Westminster.

Civil engineers favour offices in Westminster, where are located all the principal Government offices and the offices of the agents-general for the various colonies. The demand for office accommodation in Westminster has increased vastly of late years, partly due to the presence of Parliamentary agents, civil engineers, surveyors, and others who have business in connection with Bills in Parliament, or at such places as the Surveyors' Institution, the Institution of Civil Engineers, Middlesex County Hall, Westminster, etc., and the convenience of the district for professional purposes; and partly, also, because large areas have been absorbed by the great extensions of the Government offices since 1898. One result of this has been that many large blocks of property originally built for residential purposes and hotels have been converted into offices, and as such have yielded larger returns to their owners, while many ground floors have been converted into shops, Victoria Street in particular having become a high-class shopping thoroughfare at its Victoria Station end. This latter result seems to have had its rise contemporaneously with the very expensive erection of residential flats and the popularity of the Army and Navy Stores and the shopping establishments in Buckingham Palace Road respectively, each having attracted crowds of shoppers, incidentally causing the thoroughfare lying between to change its aspect so as to cater for their needs.

Another incident in the recent greater rise of Westminster is the erection

of such huge blocks of offices and chambers as Dacre House, Sanctuary House, the Ecclesiastical Commissioners' building, Caxton House, Whitehall Court, etc., which are evidences of the trend noticeable in modern business life, for enterprises to develop in the form of giant undertakings.

The experience of Westminster is by no means an isolated example of the changes which are due in modern times to the broadening out of the circles in which professional men locate themselves. Thus it was formerly a great consideration with solicitors to obtain offices in Lincoln's Inn, Gray's Inn, the Temple, or the other Inns or Chancery Lane, but a wider area is now affected, and the adjacent streets upon the Duke of Norfolk's estate (between the Strand and the Temple Station) are considered to be favourable positions; advantage has been taken of this tendency, and many members of the legal profession have been attracted into the new buildings which have been there erected. Again, Lloyd's Avenue, by Fenchurch Street, has been developed for the accommodation of the shipping world, where formerly old and indifferent property existed. Similarly, the various streets of Bloomsbury are changing from quarters of residential houses to regions of flats, boarding-houses and offices.

Care must be exercised before an office building is put up to see that it is in a position where offices are likely to let readily at adequate rentals. In any case of doubt it would be wise to consult some surveyor with a wide knowledge of London or of the district in question. While offices will readily let in good positions, nothing is more difficult to manage profitably than an office building in a bad situation where only tenants of doubtful standing can be obtained. In a position such as this it would generally be far wiser to plan the property for letting in residential suites, as these can, if properly designed, be made to appeal to tenants in almost every quarter.

Modern office buildings must be designed to meet the standard of requirements now demanded by tenants in London. Passenger lifts must be provided for buildings of any importance, and the rooms must be light. The passages and staircase should be fireproof, and have tiled dadoes, with tile or mosaic halls, lobbies and landings, and be arranged so that light does not need to be kept burning during the day. There should be ample lavatory accommodation, and separate lavatories, well away from the men's lavatories, for lady clerks. Electric light should of course be fitted. There should be a porter's office by the entrance door. It is advantageous that the housekeeper should live on the premises, and, as a rule, a suite of rooms can be constructed in the roof for his accommodation. In small office buildings this is sometimes dispensed with, and in such cases the buildings are locked up at night by the housekeeper, and opened by him again in the morning.

In blocks of offices the landlord pays the rates, taxes, and water rate, and is responsible for at least the external repairs, maintenance of passages, staircases, and lifts, and also in nearly all cases provides the housekeeper and cleaning staff, hall porter, and lift attendant. The rent of an office, as a rule, includes the rates and taxes, but the tenant usually pays additional sums for the house-keeping, firing, and window cleaning. He pays the supply company direct for his electric light or gas. The rent may include heating, where a general system of hot water or steam heating (worked from a furnace in the basement) is installed.

The rentals which are derived from office buildings are generally reckoned by surveyors at so much per square foot of available floor space, and the amount depends in a large measure on the situation. Not only is proximity to special centres, such as the Bank and Stock Exchange, the Law Courts, the Houses of Parliament, etc., of importance, but also local situation has to be regarded. Thus, offices in a prominent position fetch higher rentals per foot than if placed in a side street, or up a court way, or with a bad access. Again, modern and handsome offices let better and at higher prices than cheaply built or old premises. In important positions, the provision of shops on the ground floor will not detract from the character of even high class offices, if the office entrance be of suitable proportions for the building, and the shops are of a suitable description. Offices may, however, be prejudicially affected by a bad arrangement on the street level, as if there be a public bar or restaurant carried on without the office entrance being separated and thoroughly distinct from it. If possible, the entrance to the offices should be wholly cut off, and indeed have an appearance of not belonging to the same property. Similarly, a noisy trade in the basement, or a trade causing smells, would affect letting values.

Generally speaking, in quiet situations, the ground floor is considered the best, and obtains the highest rent, but frequently the first floor is equally or more valuable, while the rentals decrease as the higher floors are reached. This difference of rental is, however, less marked in modern buildings with passenger lifts, and in fixing the rentals care must be exercised to avoid pricing the lower floors at too high a rate as compared with the upper floors. A change is now taking place in public opinion in this matter, and the prejudice against the higher floors is being overcome. In the thirty and forty story buildings of America the top floors are the highest rented, largely on account of the better light and prospect enjoyed, and an appreciation of the quietness and good light of the upper floors is growing in London.

The following examples will illustrate prices in several positions in London. They cannot, however, be taken as a reliable guide, and are merely given by way of example, as even in the same street great divergencies of value are often found:—

EXAMPLES OF OFFICE RENTALS.

<i>Aldwych.</i>	
Floor.	Rental per super. foot.
5th . . .	3s. to 5s.
4th . . .	3s. „ 6s.
3rd . . .	3s. 6d. „ 7s. 6d.
2nd . . .	4s. „ 8s.
1st . . .	7s. „ 10s.
Ground	10s. „ 20s.

<i>Victoria Street.</i>	
4th . . .	3s.
3rd . . .	3s. 6d.
2nd . . .	4s.
1st . . .	5s. 6d.
Ground	10s.
Basement	3s. 6d.

<i>Fleet Street.</i>	
Floor.	Rental per super. foot.
3rd . . .	2s. 6d.
2nd . . .	4s. 6d.
1st . . .	5s.
Ground	20s.

<i>Threadneedle Street.</i>	
4th . . .	10s.
3rd . . .	15s.
2nd . . .	18s.
1st . . .	25s.
Ground	30s.
Basement	14s.

The examples are based on the net areas of available floor space provided in the offices, and assume that adequate lavatory accommodation and the usual conveniences of office buildings are also provided for the tenant's use.

Blocks of offices are valued by a capitalisation of the net rentals derivable therefrom, such net rentals being valued upon tables of from 5 to 8 per cent. (*i.e.*, 20 to 12½ years' purchase), for freehold, and 6 to 10 per cent. for leasehold offices. The net rental is arrived at by estimating the total rentals likely to be received from the tenants and deducting therefrom the cost of repairs, insurance, rates, taxes, water, lighting staircases, and other outgoings payable by the landlord. The form of the valuation is similar to that shown for a block of residential flats.

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Theatres and Music-halls. It would not be practicable within the limits of these chapters to give any guide to the value of theatres and music-halls, as not only do ordinary considerations need to be regarded, such as the situation and character of the buildings, but a great deal depends upon the reputation of any particular theatre established by its past or present success as well as the demand which may happen to exist for accommodation at any particular time. The same remarks apply to variety theatres and concert-halls.

Speaking generally, the best central positions for theatre sites are in Shaftesbury Avenue, the Haymarket, Coventry Street, Leicester Square, the Strand and Aldwych, and the southernmost portions of Charing Cross Road, and St. Martin's Lane. Sites in side streets in the immediate vicinity of the above thoroughfares may also be suitable, but no person, unless closely in touch with the theatrical world, should venture upon the risk of building a place of entertainment in a secondary position.

Theatres and halls placed outside the recognised area depend for success upon the reputation and attractiveness of particular actors, or upon a liberal programme of "star" artists.

These remarks do not apply to suburban theatres and music-halls, many of which, placed in prominent positions in populous districts, do very well indeed. If a good site can be found in a very populous part of London, as, for example, districts like Clapham, Putney, Dalston, Bethnal Green, etc., it is quite likely a music-hall or theatre will pay handsomely, provided, of course, that accommodation of this nature is not already provided. The success of the house will be greater if the district be not readily accessible to the West End. Few suburban theatres are able to successfully compete with the West End houses if a short omnibus or tube journey will take the residents to the latter.

Suburban music-halls are now frequently managed upon the system of two houses a night. This involves great wear and tear of the building and equipment, so that in designing the building decorations and fittings of a permanent nature should as far as possible be provided, and the seating should be of a strong type.

In any theatre or music-hall, the utmost seating capacity must be provided, so as to increase the money holding, but the auditorium must be kept free of all pillars by constructing the tiers upon the cantilever principle, and every

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seat must have a good view of the stage. The elevation of the building to the street should be bold to attract the public, and the comfort of the patrons should be studied. The theatre must be well ventilated and warmed. Liberal exits and emergency exits and staircases must be provided, and the very comprehensive regulations of the London County Council in other respects complied with. It is desirable that the house should have roadways or passages on three sides.

A good example of a house liberally supplied with emergency exits is to be found in the Putney Hippodrome, which has a 20 ft. passage way on three sides, and the street on the fourth side, with staircases leading to the ground on every side.

The question of light is unimportant, as the design of a modern theatre aims at excluding daylight from the auditorium and stage, and absolute control of the artificial lighting to enable stage effects to be increased. Ample lavatory accommodation must be provided for every part of the house.

Although expensive to build, a very good return can be earned from a successful theatre or music-hall, and it is therefore a very valuable property and capable of paying a high rent. The rateable values of the following theatres and similar properties, taken at random, will give an indication that places of entertainment bear a considerable annual value in London :—

RATEABLE VALUES OF THEATRES.

Globe Theatre	Rateable Value	£4,792.
Queen's	" "	£4,792.
Shaftesbury	" "	£4,167.
Daly's	" "	£5,125.
His Majesty's	" "	£5,813.
Haymarket	" "	£4,500.
Empire	" "	£6,225.
Alhambra	" "	£5,000.

The high rental value naturally influences the capital value, but the market for the sale and purchase of theatres and music-halls is a restricted one, and, indeed, private investors now rarely purchase them. There are, however, companies and syndicates owning individual halls and theatres, or a number of them, and they, together with actors desirous of acquiring their own theatres, are the buyers to whom an owner would have to look for a sale.

An estimate of the value of a theatre or music-hall should only be made by a valuer or expert accustomed to such properties. The chief factor is the rental which the theatre may be expected to command in the market. Assuming the position is a good one, this depends upon the seating or money-holding capacity of the house, its general arrangement and convenience and the licences it enjoys. A further consideration will be whether the theatre or hall will have to be closed in the dead season, and if so, the number of weeks. In suburban houses and concert-halls this may be an important matter.

The price which the rental derivable from a theatre will command depends upon the class of the house and its reputation, the situation, the value of the land for ordinary purposes, and the demand. An ordinary freehold rental of a proper amount derived from a theatre would probably realise from 16 to 20 years' purchase. A theatre site as a rule is an expensive site. Thus the site upon which stand the Globe and the Queen's Theatres and the intervening land, with a large area at the rear, containing in all 23,406 ft., was let by auction on a building lease for 80 years at £7,300 per annum, which represents 6s. 3d. per foot super, a high price for the position.

Electric Theatres. Properties have recently been adapted or built for use as cinematograph theatres in all parts of London. They appear to be successful wherever opened in busy centres of traffic. They yield a large return, the business being very profitable, but it is impossible to forecast how long exhibitions of this class will continue to attract the public. For the time being they offer an excellent means of developing any suitable site in a position where a great deal of pedestrian traffic passes.

The building usually consists of a large hall with seating accommodation for from 200 to 500 or 1,000. No stage is provided, but there is a screen on which the scenes are shown. An orchestra is usually provided in front of the screen. The operator's room is at the opposite end of the hall, and is quite small—about 7 ft. by 4 ft. for one machine and 8 ft. by 7 ft. for two machines. This room is usually built outside the wall of the hall, having of course an aperture for the flash. The hall must have a fireproof floor, walls, and roof, and be well ventilated. The floor should rise so as to give a clear view from the back seats. The exits have to be clearly indicated.

The entrance to the hall usually contains the pay office, lounge, and manager's office. The Cinematograph Act, 1909, should be consulted, as it provides for notices to be given to the police and for a licence to be obtained from the county council. {142
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CHAPTER 23

POINTS AFFECTING VALUES

Ancient Lights—Building Line—Sewers in Private Lands—Drainage—Underground Railways—Water Supply and Charges—Design—Insurance—Gas—Electric Light—Hydraulic Powers—Fire Hydrants.

Ancient Lights. Particular regard must be paid to all windows and lights overlooking a building site, as in most cases adverse ancient lights need to be scrupulously respected. If necessary, terms should be made with adjoining owners to enable the site to be developed to the best advantage. In connection with this matter, the judgment in *Colls v. Home and Colonial Stores* (House of Lords, 2nd May, [(1904) A. C. 179] should be referred to, as under it unimportant opposing lights need only be respected to the extent of not inflicting any nuisance on the owner of the lights. An interference with ancient lights, even though it cause substantial diminution, is not actionable so long as sufficient and proper light is left for the occupation or business of the property affected according to the ordinary notions of mankind. When fresh lights are to be opened in a new building in positions where an adjacent owner could obstruct them (by erecting screens or otherwise) it is well to arrange for an actual grant of the easement of light appurtenant to them even if a considerable payment has to be made.

69) **Building Line.** Inquiry should be made into the question of building
75) line. In many positions—Euston Road is an example—it may be found that the line is defined under the London Building Act, 1894, in such a way as to have a considerable effect upon the buildings which can be erected. The
65 “prescribed distance” provisions of the Act must also be considered.

27 **Sewers in Private Lands.** Many public sewers in London are laid in private lands, and in such cases the sewers cannot be built over, unless with the licence of the Borough Council owning the sewer, or of the London County Council, in the case of main sewers. Frequently a building can be designed so that the presence of a sewer causes no great inconvenience, as by arranging that a side passage shall follow it. Due regard must be had to sewers in arranging the price to be paid for the land, as a sewer in an inconvenient position may detract considerably from the value of a site by injuriously affecting its development.

25 **Drainage of Buildings.** The main sewers are controlled by the London County Council, and the subsidiary sewers by the various Borough Councils. The combined system is in force throughout the metropolis, by which waste waters and soil pipe discharges go together in the same drain to join the sewer. Inquiry should be made at the offices of the surveyor to the local

Borough Council in all cases of doubt as to the ability to connect readily with a public sewer, and as to the position of any sewer. It is not allowed, except with the consent of the London County Council, to erect a dwelling-house on land below Trinity high-water mark if such land cannot be drained to a main sewer.

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Underground Railways. Underground railways and tube railways frequently run below sites in London and more often of course below the streets upon which premises abut. Although tube railways are constructed from 50 ft. to 200 ft. below the surface, noise is frequently perceptible in the buildings near to them, and sometimes vibration. Occasionally such buildings develop cracks and settlements shortly after the railway is constructed. Settlements are common near to the lift shafts at the stations of deep underground railways. Another inconvenience arising from close proximity to a station is that noises from the working of the lifts can be heard in adjacent buildings, particularly at night when the street traffic is light. Tenants of residential chambers and flats having a choice to select from will, as a rule, avoid those subject to these annoyances. Thus there is a tendency in the case of properties so affected, varying of course with the extent to which inconvenience is suffered, to find increased difficulty in letting. This affects the value.

Water Supply and Charges. The Borough Council, acting as sanitary authority, enforces a provision of water for all dwelling-houses. Water is supplied in every part of London by the Metropolitan Water Board, but there is no obligation to take that supply. An artesian or tube well can be sunk. As, however, a reliable supply cannot be obtained at a less depth than about 300 feet, the expense of sinking a well is not remunerative except in the case of very large properties. The water charges in London are regulated by the Board's Act of 1907, which provides that a fixed charge of 5 per cent. upon the rateable value shall be paid in respect of all houses and buildings supplied with a *domestic service*, which includes office and all ordinary services.

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Where a domestic service is supplied to premises occupied solely for trade, business, or professional purposes, and the rateable value exceeds 300*l.* per annum, a rebate of not less than 20 per cent. nor more than 30 per cent. is to be made in the charge, provided such rebate does not reduce the charge to less than 5 per cent. on 300*l.* The rebate at present in force is 20 per cent.

Supplies for *non-domestic* purposes are given at charges varying from 11*d.* to 6½*d.* per 1,000 gallons, according to the quantity taken, the maximum rate being applicable to a supply not exceeding 50,000 gallons, and the minimum to a supply exceeding 5,000,000 gallons. A meter rent of from 1*s.* 6*d.* to 25*s.* may also be charged.

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Supplies for *building purposes* are charged at the rate of 7*s.* for every 100*l.* of the estimated cost of the building. The Board have power to charge according to meter, but at present do not adopt that course. The Water Board's regulations as to fittings must be strictly observed.

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Compounding Water Rates. Where an owner, by agreement or otherwise, is liable to pay the water rates instead of the tenants, and such owner is willing to pay the water rate whether the premises be occupied or not, the Board may in consideration thereof allow him a rebate on the water rate not exceeding one-fifth of the rate.

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Design. Great attention should be paid to the design and planning of new buildings. Economy of construction must be strictly observed. The cost of monumental buildings cannot be recouped in competition with similar buildings of ordinary type. Nevertheless, the modern education of public taste will require that some artistic treatment shall be given to the building, but this need not be too ambitious. Whatever the purpose of a building, it must not be less convenient than similar buildings already existing, or it will fail to attract tenants. Comparison should therefore be made with similar properties wherever possible. Shop fronts should not be cut into by heavy piers which encroach upon the display-space of the premises, nor should shops be set back from the line of traffic. There seems no reason why the practice of carrying shop fronts up to the first floor should not become very common. This has been done in many new buildings in Tottenham Court Road, Oxford Street, and elsewhere, and is likely to become more general. For certain trades, such as cabinet makers and furniture dealers, the front might be even further extended down to the basement, as is frequent in Copenhagen and some other cities, and if the window were set back 2 ft. or 3 ft. from a railing on the pavement line, the public could see from the street down to it as well as into the shop on the pavement level. Elevated arcades have not been very successful in London. An example of an elevated arcade can be seen in Shaftesbury Avenue near to New Oxford Street.

By careful design the cost of the upkeep of a building can be minimised. Fronts that can be washed down, like the new Embankment front and also the Strand front of the Savoy Hotel and the Birkbeck Bank, Holborn, are well adapted to the London climate. Tiled dadoes, mosaic stairs and passages in offices and blocks of flats save expense in decorations and carpeting. Passages and staircases should have good windows, to avoid the use of artificial light.

Large areas can be more economically developed than small sites, inasmuch as the entrances, staircases, and passages can be made to serve a greater number of rooms, while the annual outgoings can be reduced by the more economical employment of the staff and the lifts.

Insurance. In the case of special buildings, fireproof floors, the provision of sprinklers, the avoidance of window openings near hazardous neighbours, the isolation of dangerous manufacturing processes and also of the storage of inflammable substances will often considerably reduce the insurance premium payable, and this is a point which should receive attention at the hands of the architect and builder.

Gas is supplied throughout the metropolis by private companies. The rates per 1,000 cubic feet are as under :—

			s.	d.
Metropolitan companies	{	Gas Light and Coke Co. north of Thames	2	7
		South Metropolitan Gas Co.	2	2
		Commercial Gas Co.	2	4
		South Suburban Gas Co.	2	5
Suburban Companies.	{	Wandsworth and Putney	1	9
		Mitcham and Wimbledon	2	10

Electric Light and Power are supplied by the various companies and certain Borough Councils in London. Their rates vary. Local inquiry in any district will enable the name and address of the company or corporation to be ascertained, and information can then be obtained as to the ability to procure a supply in any particular place and the charges that are applicable.

Hydraulic Power for lifts, etc., may be obtained from the mains of the London Hydraulic Supply Company in nearly all parts of Central London. The supply is given from street mains at high pressure for lifting purposes, available day and night all the year round. The service pipes are charged to the consumer, but the mains are installed by the Company. Full particulars may be obtained from the Company, 9, Bridge Street, Westminster. A meter rent of about 5s. a quarter is payable, and the supply is charged according to a sliding scale, which varies from 25s. for 3,000 gallons to £28 10s. for 200,000 gallons.

Fire Hydrants. Fire hydrants required in public buildings and other premises are fitted by the owner of the building, and a charge of 21s. per annum in respect of each is usually made by the Metropolitan Water Board. Hydrants are also supplied by the Hydraulic Supply Company at a charge of 10s. per hydrant per quarter plus £1 per hour for the use of water.

Land Tax and Tithe Rent Charge.

Land Tax, which is an ancient tax on property, must not be confused with the Land Taxes of 1910 (see pages 265 and 278). The tax in the £ varies in different parishes. The Finance Act, 1896, enacts that it shall not exceed 1s. in the £ on gross value nor be less than 1d. in the £. If less than 1d. in the £ will provide the quota required in the parish, 1d. in the £ is to be collected and the balance applied towards redemption. Since the tax is based on annual value and will increase after a property is rebuilt if the annual value is increased, it should be redeemed in every case. Redemption may be made by a payment of 80 times the amount last assessed. This sum may be paid as a gross sum, or in four instalments, or by annual instalments with interest at 3 per cent. (Finance Act, 1896). Land Tax can be "redeemed without being exonerated," which is a procedure enabling a lessee to redeem the tax so that the annual amount shall not be payable during his term and at the end of his lease he can revive and collect the fixed annual sum in perpetuity from the then owner of the estate.

Tithe Rent Charge is a troublesome incident to property and should be bought and merged into the freehold or be redeemed wherever possible. If the charge exceeds 20s. the consent of the tithe owner will be required before redemption can take place, and the redemption will be at a price representing 25 years' purchase of the commuted amount.

CHAPTER 24

RATING OF LONDON PROPERTY

Rating and Valuation Lists—Gross and Rateable Values—Methods of Valuation for Assessment of Various Classes of Property.

Rating and Valuation Lists. The procedure in the assessment of all classes of property for rating purposes within the County of London is governed by the "Valuation (Metropolis) Act, 1869," and the Valuation (Metropolis) Amendment Act, 1884.

Generally speaking, all ordinary property in beneficial and exclusive occupation is rateable for the period that it is occupied.

Every part of the metropolis is revalued every fifth year. This is called the *quinquennial revaluation*, and occurs in the years 1910, 1915, and so on.

In each of the intervening years a *supplemental valuation list* is made. It shows all properties which have altered in value during the preceding year.

If in the course of any year the value of any hereditament is increased by the addition thereto or the erection thereon of any building, or is from any cause increased or reduced in value, it may be included in a *provisional list*.

The provisional list, when signed, after objections (if any) have been heard by the assessment committee, continues operative until the first list (supplemental or quinquennial) which is subsequently made, comes into force.

A ratepayer aggrieved by the valuation of his property in a quinquennial or supplemental list, may object before the assessment committee, and if still dissatisfied he may appeal to the special or the assessment (or quarter) sessions.

A ratepayer aggrieved by the valuation of his property in a provisional list can object to the same before the assessment committee, but if dissatisfied with the decision of the assessment committee on a provisional list, he cannot obtain redress until the making of the next "supplemental" or "quinquennial" list, when he can carry his appeal to the sessions.

Every ratepayer is required to make a statement or return to the overseers informing them as to his tenure of the property he holds, and the price paid, or rental, as the case may be. Whenever the overseers or the assessment committee (except in hearing objections) insert in a valuation list some property not previously assessed, or raise the gross or rateable value of any hereditament, notice thereof has to be served on the occupier.

The quinquennial valuation list lasts for five years, and the values therein of any hereditament cannot be altered during the quinquennial period unless the value thereof is increased by the addition thereto or erection thereon of any building, or is from any cause increased or reduced in value.

Each supplemental list lasts until the next quinquennial revaluation subject to alterations in value as above.

The gross and rateable values are conclusive for county rate, police rate, highway rate, poor rate; police, sewers, and consolidated rates in the City limits; sewers, lighting, general, and other rates levied in boroughs, main drainage, improvement and other rates, water rate, and every other rate levied on the basis of annual value. Also for taxes levied under the House Tax Act and the Income Tax Acts. 384

The definitions given in the Act of gross and rateable value are as under. 376

Gross Value. "The annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent charge (if any), and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses (if any) necessary to maintain the hereditament in a state to command the rent."

Rateable Value. "The gross value, after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses above stated." 376

The Act provides that in making the deductions from the gross value to arrive at the rateable value, the maximum rate of deduction set out in the Third Schedule to the Act shall not be exceeded, and in practice the various assessment committees adhere to this scale as a customary deduction, and allow it in full in all ordinary cases. Shortly stated, the scale is as under:—

STATUTORY DEDUCTIONS.

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DEDUCTIONS TO BE MADE FROM GROSS VALUE TO OBTAIN RATEABLE VALUE.

Maximum Deduction.

- | | |
|---|--|
| (a) Ordinary houses and buildings, with or without land,
where the gross value is under 20l. per annum | One-fourth. |
| (b) Ditto where the gross value is 20l. and under 40l. | One-fifth. |
| (c) Ditto where gross value is 40l. and upwards | One-sixth. |
| (d) Land with buildings, not houses | One-tenth. |
| (e) Land without buildings | One-twentieth. |
| (f) Mills and manufactories | One-third. |
| (g) Houses or buildings let out in separate tenements | According to
the circum-
stances of
the case. |
| Railways, canals, docks, water, and gas works, and | |
| other properties not above mentioned | |

The practice in assessment valuations throughout the metropolis at the present time is to arrive first at the gross value, and then to deduct the full statutory allowances set out above.

Rating of Ordinary Property.

Yearly Tenancies. In the case of ordinary houses let to occupying tenants upon yearly tenancies, the tenant paying all usual rates and taxes, and the landlord being liable for repairs and insurance, the rent is adopted, assuming that it is a fair one, as the gross value, and from it is deducted the maximum statutable allowance of one-fourth, one-fifth, or one-sixth, as the case may be, to arrive at the rateable value.

Tithe Rent Charge. The payment of tithe rent charge presents an anomaly which requires to be adjusted. The definition of gross value assumes that the tenant pays the tithe rent charge, whereas in fact the Tithe Act, 1891, enacts that the owner and not the tenant shall in all cases pay the tithe rent charge. When, therefore, property is subject to tithe rent charge, the yearly rent paid by the tenant is, in theory, increased by the amount of such tithe rent charge, because the landlord needs to be recouped the tithe rent charge he pays instead of the tenant. Suppose, for example, that a property is worth a fair gross annual rental on a yearly tenancy of 50*l.* per annum, on the terms of the tenant paying the tithe rent charge as well as all usual rates and taxes, and that the tithe rent charge is 2*l.* per annum. Now it is obvious that if the burden of paying the tithe rent charge be shifted from the tenant to the landlord, the actual rent should be increased to 52*l.* to reimburse the landlord. In such a case, when adopting the rental paid of 52*l.* as the basis of an assessment valuation, the rent of 52*l.* should be reduced by the 2*l.* tithe rent charge before arriving at the gross value, thus making the gross value 50*l.* per annum. This adjustment needs to be made in all cases where tithe rent charge is payable.

Houses, Shops and other Premises Let on Agreements for Terms of Three Years. In these tenancies the landlord is usually responsible for the repairs, while the tenant pays the rates and taxes. The rental paid is, as a rule, treated as the gross value, and from it is deducted the usual one-fourth, one-fifth, or one-sixth, to arrive at the rateable value. If the tenant covenants to do inside repairs, 5 per cent, is first added to the rent to arrive at gross value.

Houses, Shops, and other Premises Let upon Lease. In these cases the tenant, as a rule, not only pays the rates and taxes, but also pays the insurance premium and does all repairs. It might appear as though the rent paid should be the rateable value, but the effect of adopting it as such would be to deprive the occupier of the full benefit of the usual one-sixth, one-fifth, or one-fourth allowance from the gross value to arrive at the rateable value, invariably allowed in London. The practice is (assuming, of course, that no premium has been paid) to add to the net rent paid on lease 10 per cent. thereof to cover repairs. The figure thus arrived at is gross value, and from it the statutable maximum deduction is made. For example, assume a house to be let on a 7, 14, or 21 years' occupation lease at a rental of 100*l.* per annum, tenant paying all rates and taxes, repairs, and insurance. The assessment would be arrived at as under:—

	£	s.	d.
Rent paid	100	0	0
Add 10 per cent. for actual repairs which tenant covenants to execute	10	0	0
Gross value	110	0	0
Deduct statutable allowance for repairs, insurance, and other outgoings to maintain the hereditament, one-sixth	18	0	0
Rateable value	£92	0	0

If a premium has been paid for the lease or an outlay made on buildings, the equivalent annual value of the premium or outlay is added to the actual rent, before the 10 per cent. is calculated. The equivalent annual value is arrived at by dividing the premium or outlay by the multiplier set out in the ordinary tables of years' purchase, according to the term, at 4, 5, or 6 per cent. If the premium is paid for land, 4 per cent. is adopted, or if for buildings alone, 6 per cent. If for both land and buildings, 5 per cent. The leasehold tables are set out in Chapter 20, where a detailed explanation of the principles upon which such tables are constructed is given, and the manner in which the tables are applied is illustrated.

Houses, Shops, and other Premises Let upon Weekly Tenancies. The invariable practice in London in tenancies of this nature is for the landlord to pay all rates and taxes, to do repairs, insure, and be liable for every outgoing.

The rentals paid are usually adopted as the basis of the valuation for rating purposes, although the landlord pays the rates and taxes which the definition of gross value, given in the Act of 1869, assumes that the tenant shall pay. 376

The allowance made in London from the gross rents to arrive at the gross value is generally fixed at from 25 per cent. to 40 per cent. of the total rentals, depending upon the amount of the rates in the £ in the district. This percentage is also intended to cover any increase in the outgoings while the rating is in force, and any losses of the weekly rent from bad debts. The computation is made as under:—

WEEKLY TENANCIES.

METHOD OF CALCULATING RATEABLE VALUE.

	£	s.	d.
Weekly rent, say 15s. = per annum	39	0	0
Deduct allowance for rates, water rate and taxes, being tenant's outgoings paid by the landlord, say 33 per cent.	13	0	0
Gross value	26	0	0
Deduct statutable allowance (over 20% and not exceeding 40%) one-fifth	5	0	0
Rateable value	£21	0	0

This figure is upon the assumption that the rates are of average amount. Variations occur in different districts, according as rates are high or low, but, generally speaking, a uniform scale is worked to. This scale applies to cottages, to blocks of artisans' dwellings, where each suite is a separate tenement, and to all separate hereditaments let at weekly or monthly rentals, on the terms of the landlord paying all outgoings. The scale emanated from the conference with the rating authorities convened by the London County Council, and it is set out on pages 300 and 301.

SCALE FOR WEEKLY TENANCIES.

SCALE ADOPTED FOR CALCULATING RATEABLE VALUE OF PREMISES LET AT
WEEKLY INCLUSIVE RENTALS.

Weekly Rent.	Total amount per annum.	Rates at 6s. in £.		Rates at 6s. 6d. in £.		Rates at 7s. in £.		Rates at 7s. 6d. in £.		Rates at 8s. in £.	
		G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.
s. d.	£ s.	£	£	£	£	£	£	£	£	£	£
1 0	2 12	2	2	2	2	2	2	2	2	2	2
1 6	3 18	3	3	3	3	3	3	3	3	3	3
2 0	5 4	4	3	4	3	4	3	4	3	4	3
2 6	6 10	5	4	5	4	5	4	4	3	4	3
3 0	7 16	6	5	5	4	5	4	5	4	5	4
3 6	9 2	6	5	6	5	6	5	6	5	6	5
4 0	10 8	7	6	7	6	7	6	7	6	7	6
4 6	11 14	8	6	8	6	8	6	8	6	8	6
5 0	13 0	9	7	9	7	9	7	9	7	9	7
5 6	14 6	10	8	10	8	10	8	10	8	10	8
6 0	15 12	11	9	11	9	11	9	10	8	10	8
6 6	16 18	12	9	12	9	12	9	11	9	11	9
7 0	18 4	13	10	13	10	13	10	12	9	12	9
7 6	19 10	14	11	14	11	14	11	13	10	13	10
8 0	20 16	15	12	15	12	14	11	14	11	14	11
8 6	22 2	16	12	16	12	15	12	15	12	15	12
9 0	23 8	17	13	17	13	16	12	16	12	16	12
9 6	24 14	18	14	17	13	17	13	17	13	17	13
10 0	26 0	19	15	18	14	18	14	18	14	17	13
10 6	27 6	19	15	19	15	19	15	19	15	18	14
11 0	28 12	20	16	20	16	20	16	20	16	19	15
11 6	29 18	21	17	21	17	20	16	20	16	20	16
12 0	31 4	22	18	22	18	21	17	21	17	21	17
12 6	32 10	23	19	22	18	22	18	22	18	21	17
13 0	33 16	24	20	23	19	23	19	23	19	22	18
13 6	35 2	25	20	24	20	24	20	23	19	23	19
14 0	36 8	26	21	25	20	25	20	24	20	24	20
14 6	37 14	27	22	26	21	26	21	25	20	25	20
15 0	39 0	27	22	27	22	27	22	26	21	26	21
15 6	40 6	28	23	28	23	27	22	27	22	27	22
16 0	41 12	29	24	29	24	28	23	28	23	28	23
16 6	42 18	30	24	30	24	29	24	29	24	28	23
17 0	44 4	31	25	31	25	30	24	30	24	29	24
17 6	45 10	32	26	32	26	31	25	31	25	30	24
18 0	46 16	33	27	33	27	32	26	32	26	31	25
18 6	48 2	34	28	33	27	33	27	32	26	32	26
19 0	49 8	35	28	34	28	34	28	33	27	33	27
19 6	50 14	36	29	35	28	35	28	34	28	34	28
20 0	52 0	37	30	36	29	36	29	35	28	35	28

SCALE FOR WEEKLY TENANCIES—*continued.*

SCALE ADOPTED FOR CALCULATING RATEABLE VALUE OF PREMISES LET AT WEEKLY INCLUSIVE RENTALS.

Rates at 8s. 6d. in £.		Rates at 9s. in £.		Rates at 9s. 6d. in £.		Rates at 10s. in £.		Rates at 10s. 6d. in £.		Rates at 11s. in £.		Rates at 11s. 6d. in £.		Rates at 12s. in £.	
G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.	G. V.	R. V.
£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1
3	3	3	3	3	3	3	3	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	3	4	3	4	3	4	3	4	3	4	3	4	3	4	3
5	4	5	4	5	4	5	4	5	4	5	4	5	4	4	3
6	5	6	5	6	5	5	4	5	4	5	4	5	4	5	4
7	6	6	5	6	5	6	5	6	5	6	5	6	5	6	5
8	6	7	6	7	6	7	6	7	6	7	6	7	6	7	6
9	7	8	6	8	6	8	6	8	6	8	6	8	6	8	6
9	7	9	7	9	7	9	7	9	7	9	7	9	7	9	7
10	8	10	8	10	8	10	8	10	8	10	8	9	7	9	7
11	9	11	9	11	9	10	8	10	8	10	8	10	8	10	8
12	9	12	9	12	9	11	9	11	9	11	9	11	9	11	9
13	10	13	10	12	9	12	9	12	9	12	9	12	9	12	9
14	11	13	10	13	10	13	10	13	10	13	10	13	10	13	10
15	12	14	11	14	11	14	11	14	11	14	11	14	11	13	10
16	12	15	12	15	12	15	12	15	12	15	12	14	11	14	11
17	13	16	12	16	12	16	12	16	12	16	12	15	12	15	12
17	13	17	13	17	13	17	13	17	13	16	12	16	12	16	12
18	14	18	14	18	14	17	13	17	13	17	13	17	13	17	13
19	15	19	15	18	14	18	14	18	14	18	14	18	14	18	14
20	16	19	15	19	15	19	15	19	15	19	15	18	14	18	14
20	16	20	16	20	16	19	15	19	15	19	15	19	15	19	15
21	17	21	17	21	17	20	16	20	16	20	16	20	16	20	16
22	18	22	18	21	17	21	17	21	17	21	17	21	17	20	16
23	19	22	18	22	18	22	18	22	18	22	18	21	17	20	16
24	20	23	19	23	19	23	19	23	19	22	18	22	18	22	18
25	20	24	20	24	20	23	19	23	19	23	19	23	19	22	18
25	20	25	20	25	20	24	20	24	20	24	20	24	20	23	19
26	21	26	21	26	21	25	20	25	20	25	20	25	20	24	20
27	22	27	22	26	21	26	21	26	21	26	21	26	21	25	20
28	23	28	23	27	22	27	22	27	22	27	22	26	21	26	21
29	24	28	23	28	23	28	23	28	23	27	22	27	22	26	21
30	24	29	24	29	24	28	23	28	23	28	23	28	23	27	22
31	25	30	24	30	24	29	24	29	24	29	24	28	23	28	23
32	26	31	25	31	25	30	24	30	24	30	24	29	24	29	24
32	26	32	26	31	25	31	25	31	25	31	25	30	24	30	24
33	27	33	27	32	26	32	26	32	26	31	25	31	25	31	25
34	28	33	27	33	27	33	27	33	27	32	26	32	26	31	25

Composition for Rates. The law as to compounding, so far as concerns
 396 London, is contained in the Poor Rate Assessment and Collection Act, 1869.
 It applies to houses in London of a rateable value not exceeding 20*l.* per annum
 (representing tenements let at a weekly rental up to a possible maximum of
 16*s.* per week, *vide* page 300). The provisions may be stated as follows :—

1. The owner has no power to compel the authority to rate him instead
 of the occupier, even though the owner may have covenanted with the
 occupier to pay the rates.
- 396 2. (a) The rating authority has power to *compel* the owner by notice to
 pay the rates instead of the occupier. If the authority does so compel
 him, it must allow the owner a rebate of 15 per cent. of the rates. The
 rates will, of course, only be due for the period the property is
 occupied ; but
- 397 (b) The owner, having received the notice referred to above, may elect to
 pay the rates whether the property be occupied or not. Thereupon he
 is to receive a further rebate to be settled by the authority, but not
 exceeding 15 per cent. (making a total of 30 per cent. which could be
 allowed).
- 396 3. The authority and the owner may mutually agree that the owner shall
 pay the rates instead of the occupiers, and further, that the owner shall
 pay the rates whether the premises be occupied or not. Under an
 agreement thus made the authority has power to allow a rebate not
 exceeding 25 per cent. of the rates.

It would appear as though under the arrangement set out in Clause 2, an
 owner might obtain as much as 30 per cent. rebate, but in practice the
 authorities proceed under the arrangement set out in Clause 3. The rebate is
 allowed in most boroughs, and the list on p. 303 shows the practice of the
 several boroughs at the present time.

Residential Flats. These properties are usually let upon terms that the
 landlord pays all rates, taxes and outgoings. The estimate of gross and rateable
 value is arrived at in practically the same way as in the case of weekly
 properties, viz., from the rental received for each flat a deduction is made,
 which varies from one-fourth to one-third in ordinary cases, representing the
 tenant's outgoings paid by the landlord, to arrive at gross value. Next the
 statutable allowance for repairs and maintenance is made to get the rateable
 value. In certain cases the landlord's payments on behalf of the tenant exceed
 one-third of the rent, as for example where, in addition to the ordinary pay-
 ments of rates, taxes and water, the landlord covenants to keep porters,
 maintain furnished halls and carpeted stairs and telephones, pay for running
 of lift and other expenses. In such cases an allowance in excess of 33 per cent.
 is allowed, the percentage depending upon the payments which can be proved
 to be made.

Newly-Built Houses Occupied by the Owners. In such cases, there
 being no tenancy and no rental to adopt, the rent which a hypothetical tenant
 might be expected to pay must be estimated. When there is no similar
 property with which the property can be compared the estimate is usually
 based upon the capital value of the land and the building.

COMPOUNDING ALLOWANCES.

	Maximum rateable value of properties in respect of which abatement is allowed.	Abatement allowed to owners.	
		If owners agree to pay rates instead of occupiers and to pay whether premises occupied or not.	If owner is compelled to pay rates instead of occupiers and owner then agrees to pay whether property is occupied or not.
	£	Per cent.	Per cent.
City of London	20	15	—
Battersea	20	—	20
Bermondsey	1-10	20	—
	11-13	15	
	Model dwellings	10 to 20	
Bethnal Green	20	20	—
Camberwell	20	10 to 25	—
Chelsea	20	—	16 to 20
Deptford	20	—	17½
Finsbury	1-12	25	—
	13-15	20	
	16-20	15	
	Tenements up to 20	20	
	Artisans' dwellings.	15	
Fulham	20	10 to 25	—
Greenwich	20	20	—
Hackney	20	—	17½
Hammersmith	20	—	20
Hampstead	20	—	25
Holborn	20	—	17½ to 25
Islington (model dwellings)	20	12½ and 15	—
Kensington	20	5 to 20	—
Lambeth	15	15	—
Lewisham	No compounding.	—	—
Paddington	20	10	—
Poplar	20	—	25
St. Marylebone	20	15	—
St. Pancras	20	15	—
Shoreditch	Dwelling-houses up to 20l.	17½	—
	Model dwellings up to 20l.	15	
Southwark	15	15	—
Stepney	15	20	—
Stoke Newington	20	—	17½
Wandsworth	20	15	—
Westminster (City)	20	—	16
Woolwich	12	15	—

The above list is based on information for which the writer is indebted to Mr. Edgar Harper, F.S.I., the statistical officer of the London County Council, and is published in Volume XX. of "London Statistics."

(Continued from page 302).

The land is assessed at the ground rent paid, if any, or else at 3, 3½ or 4 per cent. on its capital value, to which is added from 5 to 7 per cent. on the value of the buildings, the sum thus arrived at being adopted as the gross value. 5 per cent. is usually applied to the most costly buildings, 6 per cent. to buildings costing 2,000*l.* to 1,000*l.*, and 7 per cent. to those of less value.

The following is an illustration. A villa residence in the suburbs has cost 1,500*l.* and is built upon land for which the ground rent is £18 per annum. The gross assessment should be—

	£	s.	d.
Structural value, say 1,500 <i>l.</i> , at 6 per cent.	90	0	0
Ground rent	18	0	0
Gross value	108	0	0
Allowance for repairs and maintenance, one-sixth	18	0	0
Rateable value	90	0	0

Rating of Special Properties.

Libraries, Schools, Baths, Hospitals, and Buildings of a Public Nature. Properties of this character, which invariably cost in erection a figure that is far in excess of their subsequent commercial value, are treated upon a liberal basis, being usually assessed at a low percentage upon the cost or value of the land and buildings. Usually a percentage of 3, 3½ or 4 per cent. is taken upon the land value, plus 5 per cent. on the value of the buildings, the result being gross value, and from this the statutable allowance of one-sixth is allowed to get the rateable value.

Theatres, Music-halls and Hotels. Where no reliable rental is available to form the basis of assessment, these properties also are frequently valued upon the basis of land value and structural value, the percentage of 4 per cent. upon the land and 5 or 6 per cent. upon the buildings being those most often adopted. Estimates in the case of theatres and music-halls are also sometimes made upon the proved earning capacity of the house shown by the accounts, or where actual figures are not available, upon an estimate of receipts and outgoings, less a deduction for tenant's profit, giving in fact a valuation of rental based upon profits.

Similar estimates are often resorted to in the case of large hotels, but hotels are sometimes treated according to the rules for licensed properties set out hereafter.

Warehouses, Factories, Mills, and Similar Properties. If there is no rental paid to serve as a guide to the assessable value, an estimate is made of the value by comparison with similar properties in a like situation to the property in question. As a rule the comparison is made by an estimate of the value of the net floor space upon each floor of the premises, with an addition for extra yard space and other advantages. Or the estimate may be based upon the land value, plus a percentage upon the value of the buildings, the latter being arrived at by a cube estimate or similar approximate valuation

of cost. The percentage adopted is in most cases 4 per cent. upon the land value and 6 per cent. on the value of the buildings for gross value. Mills and factories, in which there is a great wear and tear, are allowed one-third from the gross to arrive at the rateable value. Other properties receive the usual deduction in accordance with their gross value.

Machinery. In the case of properties where the value is enhanced by the presence of plant and machinery essentially necessary to the business carried on, which is intended to remain on the premises as long as they are used for the same trade, such enhanced value is to be taken into account. If the rateable value is based upon a rent paid, and such rent covers the machinery, no addition is to be made. Otherwise the fair capital value of the assessable machinery is estimated, and usually $7\frac{1}{2}$ per cent. is charged upon it as annual gross value. From this a deduction of one-third is made to cover the cost of repairs and maintenance, the result being rateable value.

Sometimes the gross value of the machinery is added to the gross value of the premises before making the deduction to give the rateable value, the legal method of valuing machinery for rating purposes being to regard only the enhancement in value added to the premises by reason of the presence of the machinery. It does not necessarily follow, because there is machinery upon the premises, that the total gross value will be subject to one-third deduction, and, assuming the premises as a whole do not fall within the definition of "mills and manufactories," regard is had to the comparative value of the machinery and of the premises, and the deduction, varying from one-third to one-sixth, is fixed according to the circumstances of the case.

Advertisement Hoardings. Frequently extensive hoardings round property in course of erection will yield a substantial rental by reason of the advertising value. The hoarding will be rateable, and if it be let the landlord is liable to pay the rates (Advertising Stations (Rating) Act, 1889). The owner of the land may be charged with rates even though the land be not otherwise in beneficial occupation. If a hoarding is attached to a property already occupied, the assessment of the occupied property is merely increased by the value of the advertising, and the existing rateable occupier of the property is charged an additional amount in respect thereof.

Temporary hoardings are as a rule rated upon the rental paid, and no deduction is allowed as between gross and rateable value. In the case of permanent hoardings, where there is a prospect of repairs, a deduction from the gross value of 5 per cent. is allowed.

Licensed Properties. The procedure in valuing licensed properties for assessment where full information is given as to rental and premium paid is to adopt them as a basis for the estimate. Where such information is not forthcoming resort is had to the trade done. In ordinary cases the assessment is made in the following way:—

(a) In the case of freehold public-houses, beer-houses and other licensed premises, 4 per cent. on the present value of the land, together with 6 per cent. on the present value of the building, is taken as the rent, and that, together with 5 per cent. on half the premium which would be given for the premises and business subject to such rent, is taken as indicating the gross value.

(b) In the case of public-houses, beer-houses, and other licensed premises, held on building lease, the ground-rent, together with 6 per cent. on the present value of the building, is taken as the rent, and that, together with the equivalent value per annum of half the premium which would be given for the premises and business arrived at by dividing it by the years' purchase at 5 per cent. set out in the tables for the purchase of leaseholds is taken as indicating the gross value.

(c) Where public-houses, beer-houses, and other licensed premises are held on an ordinary repairing lease, the rent reserved, together with a proportion of any structural outlay incurred by the lessee, and a proportion of half the premium, both proportions calculated in the same way as in (b) with 10 per cent. added, is taken as indicating the gross value.

In assessing public-houses, etc., in cases where the trade is tied to brewers, no increase or reduction in the rating is made on that account.

In estimating the premium which would be given, referred to above, regard must of course be had to the trade done or likely to be done in the house, as well as to the class of beers sold, the proportion of spirits, and the improving nature or otherwise of the trade, and the license duties payable, as these facts would dominate the amount of the premium.

An approximate figure for gross value may sometimes be got by adopting 10 per cent. of the takings as gross value. Also the gross value of a tied beer-house may be approximately estimated according to the barrelage of beer sold.

Railways, Tramways, Electric Light Undertakings, Gasworks, Waterworks, Racecourses, Cemeteries, Docks, and Similar Undertakings. Properties of this character are rated upon the "Parochial Earnings" principle. The assessment is based upon an estimate of the rent a tenant could afford to pay for the property, having regard to the profit the property yields. The scope of these chapters does not permit of a reference to the intricate procedure of such valuations. A consultation of the works by Boyle and Davies, Castle, Ryde and other writers, will afford information upon this subject.

Amount of Rates. The amounts of the local rates vary a great deal in the different boroughs of London, the lowest being about 6s. 4d. in the pound and the highest 12s.; a fair average is 7s. 6d. in the pound. This includes poor rate, local highway and general rate, education rate, baths, washhouses, and libraries rates, police rate, county rate, etc., but not water rate, which is separately charged and collected by the Metropolitan Water Board.

Rates are not payable upon property which is unoccupied, except in the case of the sewers rate within the City boundary where half the ordinary sewers rate is payable in respect of unoccupied property. The occupation of a caretaker in unlet property does not render the property liable to the payment of rates in London.

ACTS OF PARLIAMENT

(Portions repealed are printed in italics.)

MICHAEL ANGELO TAYLOR'S ACT (1817).

(57 GEO. 3, C. XXIX.¹)

(*Extracts.*)

1. Whereas many of the streets and public places within that part of the metropolis which is situate within the weekly bills of mortality, and the parishes of Saint Pancras and Saint Marylebone in the County of Middlesex, are divided into parochial and other districts, and are paved and repaired and regulated, and obstructions and nuisances therein are removed, under the direction of certain commissioners or trustees, or other persons appointed to superintend and regulate the same in each of such parochial or other districts, by virtue of certain local Acts of Parliament; and the pavements of many of such streets and public places are often in a state dangerous to passengers, and frequently contain nuisances and obstructions which are offensive or injurious: and whereas it would materially tend to the remedying of such defects in the pavements, and such nuisances, if more summary means of compelling the speedy reparation of the pavements of such streets and public places, and of enforcing due regulations as to the various water and gas companies and Commissioners of Sewers, by whom the pavements of such streets and public places have been frequently displaced; and also if more adequate funds and authorities were given to the said several commissioners, trustees, and other persons having the superintendence and regulation of the pavements of such streets and public places; for which purposes, may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act and the provisions herein contained shall extend to all streets and public places which are now paved, or which may be hereafter paved, within the Cities of London and Westminster and Borough of Southwark, and any other parts of the metropolis which are included within the weekly bills of mortality, and to all streets and public places which are now paved, or which may be hereafter paved, within the parishes of Saint Pancras and Saint Mary-le-bone in the said County of Middlesex, except only any parts thereof which may be herein-after particularly excepted. 370

79. Courts may be stopped up with the Approbation of two or more Justices, and with the consent of the Owners of Contiguous Property. And whereas there are in certain parochial or other districts within the jurisdiction of this Act certain courts, alleys, and places which, without inconvenience to the public, might be discontinued and stopped up, and which, from their private and confined situation, and by being harbours or receptacles for filth and rubbish, are noisome and offensive: be it therefore further enacted, that if upon the view of any two or more of His Majesty's justices of the peace for the city, borough, or county wherein such court, alley, or place may be situate, it shall to them appear that any such court, alley, or place is become unnecessary, and may, without inconvenience to the public, or to the owners of houses or tenements adjoining thereto, be discontinued and stopped up, then 24

¹ The chapter numbers of local Acts are given in Roman figures, and those of public Acts in Arabic figures.

and in such case it shall and may be lawful to and for such justices, by and with the consent of the commissioners or trustees, or other persons having the control of the pavements of the streets and public places in such parochial or other district, testified by writing under the hand of the clerk or clerks to such commissioners or trustees, or other persons as aforesaid for the time being, and by and with the consent of the owner and owners of the houses, lands, or tenements adjoining to four parts in five in the length of any such court, alley, or place, testified by writing under his, her, or their hand or hands, at any special session to be holden for that purpose, by order under the hands and seals of such justices, to discontinue and stop up any and every such court, alley, or place; and all such courts, alleys, and places, or such proportion thereof as may adjoin to the houses or tenements of such person who shall have so consented, shall be discontinued and stopped up accordingly, subject to appeal as
 315 herein-after is mentioned: provided always, that nothing herein contained shall extend or be construed to extend so as to authorise the discontinuing or stopping up any court, alley, or place, or any part or parts thereof, whereby or in consequence whereof any house, tenement, or land shall be so inclosed (unless with such consent as aforesaid), that the owner or owners thereof shall be prevented from passing freely to and repassing freely from such house, tenement, or land.

23 **80. Streets may be widened and improved with Consent of Owners.** And be it further enacted, that for the improvement of the streets and public places in the parochial or other districts within the jurisdiction of this Act, and for the public advantage, it shall and may be lawful to and for the commissioners or trustees, or other persons having the control of the pavements of any parochial or other district, from time to time, and at all times hereafter, to alter, widen, turn, or extend any of the streets or other public places within any such parochial or other district (except turnpike roads), and to lengthen and continue or open the same from the sides or ends of any streets or public places within any parochial or other district, into any other street or public place within such or any other parochial or other district, and to raise, level, lower, drain, ballast, gravel, or pave such new part or parts of any such streets or public places so altered, widened, extended, opened, or lengthened as aforesaid; and that if any houses, walls, buildings, lands, tenements, and hereditaments, or any part thereof, shall be adjudged by the said commissioners or trustees, or other persons as aforesaid, to project into, obstruct, or prevent them from so altering, turning, widening, extending, lengthening, continuing, or opening the said streets or public places within the said parochial or other district, and that the possession, occupation, and purchase of such houses, walls, buildings, lands, tenements, or hereditaments will be necessary for that purpose, it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, and they shall have full power and authority, to treat, contract, and agree, or to employ any person or persons to treat, contract, and agree with the several owner or owners, occupier or occupiers of all such houses, walls, buildings, lands, and hereditaments, of whatsoever nature, tenure, kind, or quality, for the purposes aforesaid, and to pay for the same such sum and sums of money as shall be agreed upon by the said commissioners or trustees, or other persons as aforesaid, and the owner or owners, occupier or occupiers thereof, out of the money to arise and be raised and to be received by them, either by virtue of any local Act or Acts of Parliament relating to such parochial or other districts, or of this Act, and to pull down, use, sell, or dispose of such houses, walls, and buildings, and the materials thereof, and lay the sites thereof, and also such other lands, tenements, or hereditaments, or so much thereof as they the said commissioners or trustees, or other persons as aforesaid, shall think proper, into the said streets or other public places; and all such new parts of such streets or public places, and the owners and occupiers of houses and buildings, messuages, and other hereditaments therein and adjoining thereto, shall be subject and liable to all the rates, assessments, powers, provisions, orders, clauses, and things to be made by virtue of or contained in any local Act or Acts of Parliament relating to such parochial or other district, or by virtue of or contained in this Act, in the same manner as the present streets and public places included in any such local Act or Acts, or within the jurisdiction of this Act, and

the owners and occupiers of houses or buildings and messuages or other hereditaments therein and adjoining thereto.

81. (Corporate or collegiate bodies and incapacitated persons enabled to sell.)

82. **When Parties refuse or are unable to treat, etc. a Precept to be issued for impannelling a Jury.** And be it further enacted, that if any body or bodies politic, corporate, or collegiate, or any other person or persons seised or possessed of or interested in any such houses, buildings, lands, tenements, or hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of absence or disability cannot agree with the said commissioners or trustees or other persons having the control of the pavements of any streets or public places in any parochial or other district within the jurisdiction of this Act, or with any person or persons authorised by them, for the sale and conveyance of their respective estates and interest therein, or cannot be found or known, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim therein, to the satisfaction of the said commissioners or trustees or other persons as aforesaid, or of the person or persons so authorised by them, then and in every such case it shall be lawful for the said commissioners or trustees or other persons as aforesaid, and they are hereby required to issue a warrant or warrants, precept or precepts, directed to the sheriff or sheriffs, or bailiff or other proper officer of the city, borough, or county wherein the premises shall respectively lie or be, who is hereby authorised, directed, and required accordingly to impanel, summon, and return a competent number of substantial and disinterested persons qualified to serve on juries, not less than forty-eight nor more than seventy-two; and out of such persons so to be impannelled, summoned, and returned, a jury of twelve men shall be drawn by some indifferent person to be by the said commissioners or trustees or other persons as aforesaid appointed, in such manner as juries for the trial of issues joined in His Majesty's Courts at Westminster are by an Act made in the third year of the reign of His late Majesty King George the Second, intituled *An Act for the better Regulation of Juries*,¹ directed to be drawn; which persons so to be impannelled, summoned, and returned as aforesaid are hereby required to come and appear before the justices of the peace for the city, borough, or county wherein the premises shall lie or be, at some court of general or quarter sessions of the peace to be holden in and for the same city, borough, or county, or at some adjournment thereof, as in such warrant or warrants, precept or precepts, shall be directed and appointed, and to attend such Court of general or quarter sessions from day to day until discharged by the said court; and all parties concerned shall and may have their lawful challenges against any of the said jurymen, but shall not be at liberty to challenge the array; and the said justices are hereby authorised and empowered, by precept or precepts, from time to time as occasion shall require, to call before them all and every person and persons whomsoever who shall be thought proper and necessary to be examined as a witness or witnesses on his, her, or their oath or oaths, touching or concerning the premises; and the said justices, if they think fit, shall and may, on the application of either party, likewise authorise the said jury to view the place or places or premises in question, in such manner as they shall direct; and the said justices shall have power to adjourn such court from day to day as occasion shall require, and to command such jury, witnesses, and parties to attend until all such affairs for which they were summoned shall be concluded; and the said jury upon their oaths (which oaths, as also the oaths of such person or persons as shall be called upon to give evidence, the said justices are hereby empowered and required to administer) shall inquire of the value of such houses, buildings, lands, tenements, or hereditaments, and of the proportionable value of the respective estates and interest of all and every person and persons seised or possessed thereof, or interested therein, or of or in any part or parts thereof, and shall assess and award the sum or sums of money to be paid to such person or persons, party or parties respectively, for the purchase of such houses, buildings, lands, tenements, or hereditaments, and of such respective estates and interest therein, and also for good-will, improvements, or any injury or damage whatsoever that

¹ Act repealed by County Juries Act, 1825.

may affect any such person or persons, party or parties, either as leaseholders or tenants at will, provided that such good-will shall be estimated by what, in the opinion of such jury, the same would have been worth in case the improvements intended by this Act had not been in contemplation; and the said justices shall and may give judgment for such sum or sums of money so to be assessed; which verdict or verdicts, and the judgment and judgments, determination and determinations thereupon, (notice in writing being given to the person or persons interested or claiming so to be, at least fourteen days before the time of the meeting of the said justices as aforesaid and jury, by leaving such notice at the dwelling-house of such person and persons, or at his, her, or their last usual place or places of abode, or with some tenant or occupier of the premises respectively intended to be valued), shall be binding and conclusive to all intents and purposes whatsoever against all bodies politic, corporate, and collegiate, and all and every person and persons claiming any estate, right, title, trust, use, or interest in, to, or out of such houses, buildings, lands, tenements, or hereditaments and premises in possession, reversion, remainder, or expectancy, as well infants and issue unborn, lunatics, idiots, and femmes covert, and persons under any other legal incapacity or disability, as all other cestui que trusts, their, his, and her heirs, successors, executors, and administrators, and against all other persons whomsoever; and the said verdicts, judgments, and determinations, and all other proceedings of the said justices and juries, so to be made, given, and pronounced as aforesaid, shall be fairly written on parchment, and signed by the clerk of the peace for the time being of the city, borough, or county wherein the premises shall respectively lie or be; and in case it shall so happen that the sum or sums of money so to be assessed and awarded in consequence of such refusal to treat and agree as aforesaid, as the value of such houses, buildings, lands, tenements, or hereditaments, or as such proportional value as aforesaid, and as the recompense and satisfaction to be made for the injury or damage sustained as before mentioned respectively, shall not exceed the sum or sums of money which the said commissioners or trustees, or other persons as aforesaid, or any person or persons authorised by them, shall have previously offered to pay as and for such value, recompense, and satisfaction, then and in every such case all the reasonable costs, charges, and expenses of causing and procuring such value and recompense to be assessed and awarded as aforesaid, and also assessing and awarding the same, shall be borne and paid by the body or bodies politic, corporate, or collegiate, or other person or persons so seised or possessed of or interested in such houses, buildings, lands, tenements, or hereditaments, and so refusing to treat and agree as before mentioned respectively; and the said commissioners or trustees, or other persons as aforesaid, are hereby authorised and empowered to deduct and retain the said costs, charges, and expenses out of the sum or sums of money so to be assessed or awarded as aforesaid, or out of any part thereof: provided always, that in all cases where any person or persons shall by reason of absence have been prevented from treating about such recompense or satisfaction as aforesaid, such costs and charges shall be borne and paid by the said commissioners or trustees, or other persons as aforesaid, in manner aforesaid.

84. Application of Compensation where exceeding 200%. And be it further enacted, that if any money shall be agreed or awarded to be paid for any lands, buildings, tenements, or hereditaments, or for any other matter, right, or interest, of what nature or kind soever, purchased, taken, or used by virtue of the powers of this Act for the purpose thereof, which shall belong to any corporation, feme covert, infant, lunatic, or person or persons under any other disability or incapacity, such money shall, in case the same shall amount to the sum of two hundred pounds, with all convenient speed be paid into the Bank of England in the name and with the privity of the Accountant-General of the High Court of Chancery, to be placed to his account there ex parte the said commissioners or trustees, or other persons having the control of the pavements of the streets or public places in the parochial or other districts within the jurisdiction of this Act, wherein such lands, buildings, tenements, or hereditaments, shall be or lie as aforesaid, together with the name or names of such person or persons as the said commissioners or trustees or other persons as aforesaid, by writing signed by them, shall direct and appoint, to the intent that such money

shall be applied, under the direction and with the approbation of the said Court, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of the said lands, buildings, tenements, or hereditaments, in the purchase of land tax, or discharge of any debt or debts, or such other incumbrance or part thereof as the said Court shall authorise to be paid, affecting the same lands, buildings, tenements, or hereditaments, or affecting other lands, buildings, tenements, or hereditaments standing settled therewith to the same or the like uses, intents, or purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said Court, in the purchase of other messuages, lands, buildings, tenements, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the messuages, lands, buildings, tenements, and hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such purchase shall be made, the said money shall, by order of the Court of Chancery, upon application thereto, be invested by the said Accountant-General, in his name, in the purchase of three pounds per centum Consolidated or three pounds per centum Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by order of the said Court, to the person or persons who would for the time being have been entitled to the rents and profits of the said lands, buildings, tenements, and hereditaments so hereby directed to be purchased, in case such purchase or settlement were made.

85. Application where the Compensation does not exceed 200%. nor less than 20%. Provided always, and be it further enacted, that if any money so agreed or awarded to be paid for any lands, buildings, tenements, or hereditaments, or for any other matter, right, or interest, of what nature or kind soever, purchased, taken, or used for the purposes aforesaid, and belonging to any corporation, or to any person or persons under disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the hereditaments so purchased, taken, or used, or of his, her, or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the bank in the name and with the privity of the said Accountant-General of the High Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like option, to two trustees, to be nominated by the person or persons making such option, and approved of by the said commissioners or trustees or other persons as aforesaid (such nomination and approbation to be signified in writing under the hands of the nominating and approving parties), in order that such principal money, and the dividends arising thereon, may be applied in any manner herein-before directed, so far as the case may be applicable, without obtaining or being required to obtain the direction or approbation of the Court of Chancery.

86. Application where the Money is less than 20%. Provided also, and be it further enacted, that where such money so agreed or awarded to be paid as next before mentioned shall be less than twenty pounds, then and in all such cases the same shall be applied to the use of the person or persons who would for the time being have been entitled to the rents and profits of the hereditaments and premises so purchased, taken, or used for the purposes of this Act, in such manner as the said commissioners or trustees, or other persons as aforesaid, shall think fit; or in case of infancy or lunacy, then to his, her, or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

87. On Payment of the Purchase-money Premises to vest in Commissioners, etc. And be it further enacted, that upon payment of any sum or sums so agreed or awarded to the party or parties to whom the same shall be so awarded, or upon the

deposit of the same in the Bank of England in manner by this Act directed (as the case may be), the said lands, tenements, and hereditaments, in respect whereof the same shall have been so paid or deposited as aforesaid, shall vest in the commissioners or trustees or other persons as aforesaid for the time being, in manner and for the purposes aforesaid, who shall be deemed in law to be in the actual possession thereof, to all intents and purposes whatsoever, freed and discharged from all former and other estates, rights, titles, interests, claims, and demands whatsoever.

88. Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in possession of the Lands, etc. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, etc. Provided always, and be it further enacted, that where any question shall arise touching the title of any person to any money to be paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the purchase of any lands, tenements, or hereditaments, or of any estate, right, or interest in any lands, tenements, or hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such money, or the dividends or interest of any such Bank Annuities, the person or persons who shall have been in possession of such lands, tenements, or hereditaments, at the time of such purchase, and all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands, tenements, or hereditaments according to such possession, until the contrary shall be shown to the satisfaction of the said Court of Chancery; and the dividends or interest of the Bank Annuities to be purchased with such money, and also the capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such lands, tenements, or hereditaments, or to some estate or interest therein.

89. The Court of Chancery may order reasonable Expenses of Purchases to be paid by the Commissioners, etc. Provided also, and be it further enacted, that where by reason of any disability or incapacity of the person or persons or corporation entitled to any lands, tenements, or hereditaments, to be purchased, or purchased under the authority of this Act, the purchase-money for the same shall be required to be paid into the Court of Chancery, and to be applied in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the expenses of all purchases from time to time to be made in pursuance of this Act, or so much of such expenses as the said Court shall deem reasonable, to be paid by the said commissioners or trustees or other persons as aforesaid, who shall from time to time pay such sums of money for such purposes as the said Court shall direct.

90. Tenants at Will, etc. to deliver Possession on Six Months' Notice. And be it further enacted, that every tenant at will or lessee for a year, or any other person or persons in possession of any such houses, buildings, lands, tenements, and hereditaments, or any part thereof, which shall be purchased by virtue and for the purposes of this Act, and who shall have no greater interest in the premises than as tenant at will or lessee for a year, or from year to year, shall deliver up the possession of such premises to the said commissioners or trustees, or other persons as aforesaid having the control of the pavements in the streets or public places in the parochial or other division within the jurisdiction of this Act, wherein such houses, buildings, lands, tenements, and hereditaments, or to such person or persons as the said commissioners or trustees or other persons as aforesaid shall appoint to take possession of the same, upon having six calendar months' notice to quit such possession from the said commissioners or trustees or other persons as aforesaid, or from the person or persons so authorised by them; and such person or persons in possession shall at the end of the said six calendar months, whether such notice be given with reference to the time or times of such tenants holding or not, or so soon as he, she, or they shall be required, peaceably and quietly deliver up the possession of the said premises to the said commissioners or trustees, or other persons as aforesaid or the person or persons authorised by the said

commissioners or trustees or other persons as aforesaid to take possession thereof; and in case any such tenant should be compelled to quit before the expiration of his or her term in any such premises, then and in such case the said commissioners or trustees, or other persons as aforesaid, shall and they are hereby required to make satisfaction and compensation for the loss or damage which he or she shall or may sustain thereby; and in case any difference or dispute shall arise as to the amount of such satisfaction or compensation, the same shall or may be determined, settled, and ascertained by a jury, in such and the like manner as the sum or sums of money to be paid for the purchase of any lands, tenements, or hereditaments, is herein directed to be determined, settled, and ascertained; and that in case any such person or persons so in possession as aforesaid shall refuse to give such possession as aforesaid, it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, to issue their precept or precepts to the sheriff or sheriffs, or bailiff, or other proper officer of the city, borough, or county wherein such parochial or other district shall be situate, to deliver possession of the said premises to such person or persons as shall in such precept or precepts be nominated to receive the same; and the said sheriff or sheriffs or bailiff, and every other proper officer, is hereby authorised and required to deliver such possession accordingly of the said premises, and to levy such costs as shall accrue from the issuing and execution of such precept or precepts on the person or persons so refusing to give possession as aforesaid, by distress and sale of his, her, or their goods.

91. Mortgagees, on Tender of Principal and Interest, to convey; on Refusal, Interest to cease. And be it further enacted, that all and every person and persons who shall have any mortgage or mortgages on such houses, buildings, lands, tenements, and hereditaments, not being in possession thereof by virtue of such mortgage or mortgages, shall on the tender of the principal money and interest due thereon, together with the amount of six calendar months' interest on the said principal, by the said commissioners or trustees, or other persons having the control of the pavements in the streets or public places in such parochial or other district within the jurisdiction of this Act, wherein the said houses, buildings, lands, tenements, and hereditaments shall lie or be as aforesaid, or by such person or persons as they shall appoint, immediately convey, assign, and transfer such mortgage or mortgages to the said commissioners or trustees or other persons as aforesaid, or to such person or persons as they shall appoint; or in case such mortgagee or mortgagees shall have notice in writing from the said commissioners or trustees or other persons as aforesaid, or from such person or persons as they shall appoint, that they will pay off and discharge the principal money and interest which shall be due on the said mortgage or mortgages at the end or expiration of six calendar months, to be computed from the day of giving such notice, that then at the end of the said six calendar months, on payment of the principal and interest so due, such mortgagee or mortgagees shall convey, assign, and transfer his, her, or their interest in the premises to the said commissioners or trustees or other persons as aforesaid, or to such person or persons as shall be appointed in trust for them; and in case the mortgagee or mortgagees shall refuse to convey and assign as aforesaid on such tender or payment, that then all interest on every such mortgage shall from thenceforth cease and determine.

92. The Mortgagees not to be paid more than the real Value of Premises. Provided always, and be it further enacted, that in case the sum due upon any such mortgage or mortgages, with all interest due thereon, shall amount to more than the real value of the premises, to be ascertained as directed by this Act, then the said commissioners or trustees or other persons as aforesaid shall not be liable to pay to the mortgagee or mortgagees more than such real value of such premises, so ascertained as aforesaid.

93. Bargains and Sales to have the Force of Fines and Recoveries. And be it further enacted, that the conveyance of any such estate or interest of any feme covert to the said commissioners or trustees or other persons as aforesaid for the time being, or any five or more of them, or any person or persons in trust for them, by indenture or indentures of bargain and sale, sealed and delivered by such feme covert in the

presence of and attested by two credible witnesses, and duly acknowledged, and to be enrolled in the High Court of Chancery within six calendar months after the making thereof, shall as effectually and absolutely convey the estate and interest of such feme covert in the premises as any fine or fines, recovery or recoveries, would or could do, if levied or suffered thereof in due form of law; and further, that all bargains and sales whatsoever to be made of any such houses, buildings, lands, tenements, and hereditaments, as shall be purchased by the commissioners or trustees or other persons as aforesaid for the time being, by virtue and for the purposes of this Act, and enrolled as aforesaid, shall have the like force, effect, and operation in law, to all intents and purposes, as any fine or fines, recovery or recoveries whatsoever would have had if levied or suffered by the bargainer or bargainors, or any person or persons seised of or entitled to any estate or interest in the premises in trust for such bargainer or bargainors, in any manner or form whatsoever.

94. Upon Payment of Principal and Interest into the Bank, Premises to vest in the Commissioners, etc. And be it further enacted, that upon payment of the principal money and interest due on any mortgage as aforesaid into the Bank of England, at the end of six calendar months from the day of giving such notice as aforesaid, for the use of the mortgagee or mortgagees, the cashier or cashiers of the Bank shall give a receipt or receipts for the said money in like manner as is hereinbefore directed in cases of other payments into the Bank; and thereupon all the estate, right, title, interest, use, trust, property, claim, and demand of the said mortgagee or mortgagees, and of all and every person or persons in trust for him, her, or them, shall vest in the said commissioners or trustees or other persons as aforesaid, and they shall be deemed to be in the actual possession of the premises comprised in such mortgage or mortgages, to all intents and purposes whatsoever.

95. Monies to be paid or tendered before any Use made of the Premises. And be it further enacted, that all sums of money, or other consideration, recompence or satisfaction, to be paid or made pursuant to any such agreement or verdict as aforesaid, or in discharge of any such mortgage, shall be paid or tendered to the party or parties entitled to the same, or paid into the Bank of England as aforesaid, before the said commissioners or trustees or other persons as aforesaid, or any person or persons authorised by them, shall proceed to pull down any house or houses, or other erections or buildings comprised in or affected by such agreement, verdict, or mortgage respectively, or to use the ground for any of the purposes before mentioned in this Act.

96. Estates may be sold, the Persons of whom they were bought having the first Offer. And be it further enacted, that it shall and may be lawful to and for the said commissioners or trustees or other persons as aforesaid, from time to time absolutely to sell and dispose of all or any of the freehold or leasehold estates, lands, houses, hereditaments, and premises which shall hereafter be conveyed to them in pursuance of this Act or otherwise; provided the said freehold or leasehold estates, lands, houses, hereditaments, and premises so purchased are first offered for sale to the respective person or persons of or from whom the premises respectively were purchased by or on behalf of the said commissioners or trustees or other persons as aforesaid; and if such person or persons respectively shall not then and thereupon agree (except with respect to and on account of the price thereof as herein-after mentioned), or shall refuse (except with respect to and on account of the price thereof) to purchase the same respectively, an affidavit shall be made and sworn before a Master in the High Court of Chancery, or before one of His Majesty's justices of the peace for the city, borough, or county wherein such parochial or other district shall be situate (who are hereby respectively empowered and directed to take the same), by some person or persons uninterested in the said freehold or leasehold estates, lands, houses, hereditaments, or premises, stating that such offer was made by or on the behalf of the said commissioners or trustees or other persons as aforesaid, and that such offer was not then and thereupon agreed to, or was refused by the person or persons to whom the same was so offered; and that any such affidavit shall in all Courts whatsoever be sufficient evidence and proof that such offer was made and was not agreed to, or was refused by the person or persons to whom such offer was made, as the case may be; and in case such

person or persons shall be desirous of repurchasing the same, and he, she, or they, and the said commissioners or trustees or other persons as aforesaid, shall differ and not agree with respect to the price thereof, then the price or prices thereof shall be ascertained by a jury, in the manner herein-before directed with respect to the disputed value of premises to be purchased by the said commissioners or trustees or other persons as aforesaid in pursuance of this Act; and the expense of hearing and determining such differences shall be borne and paid in like manner as is herein-before directed with respect to such purchase made by the said commissioners or trustees or other persons as aforesaid (*mutatis mutandis*); and the money to arise by the sale or sales which may be made by the said commissioners or trustees or other persons as aforesaid, of such freehold or leasehold estates, lands, houses, hereditaments, and premises, shall be applied by the said commissioners or trustees or other persons as aforesaid to the purposes of the local Act or Acts of Parliament relating to the parochial or other division over the pavements whereof they shall possess a control, or to the purposes of this Act, but the purchaser or purchasers thereof shall not be answerable or accountable for any misapplication or non-application of the money paid by him or them for such freehold or leasehold estates, lands, houses, hereditaments, and premises.

129. Direction as to Service of Notices. And be it further enacted, that all notices, summonses, documents, demands, and accounts, which are directed and required to be given by any local Act or Acts of Parliament relating to any parochial or other district within the jurisdiction of this Act, or by this Act, or which are or may be directed or required to be given by any bye-law, rule, or order to be made in pursuance thereof, or of any of them, or which shall or may be necessary for carrying into execution any of the powers of any such local Act or Acts or this Act, or any or either of such bye-laws, rules, or orders, of which the manner of serving the same is not particularly directed by such local Act or Acts or by this Act, shall be printed or written, or partly printed and partly written, and shall or may be served, either by delivering the same personally to the person or persons, or one of them, to whom such notices, summonses, demands, and accounts respectively are to be given, or by leaving the same at his, her, or their usual or last known warehouse or warehouses, manufactory or manufactories, office or offices, counting-house or counting-houses, or with any of his or their partners, tenants, clerks, or servants, at his or their last or usual known place or places of abode, or at or upon any tenements, premises, or hereditaments belonging to or occupied by any such person or persons, or whereunto any such notices, summonses, documents, demands, or accounts may relate.

133. (Part of) Persons Aggrieved may appeal. Provided always, and be it further enacted, that if any person or persons shall think himself, herself, or themselves aggrieved by any conviction or order of any justice or justices of the peace acting in and for any city, borough, or county within the jurisdiction of this Act, for any offence committed against any local Act or Acts of Parliament relating to any parochial or other district within the jurisdiction of this Act, or against this Act, it shall and may be lawful to and for such person or persons to appeal to the next general or quarter sessions of the peace for such city, borough, or county. . . .

135. Proceedings not to be quashed on formal Objections; nor removable by Certiorari. And be it further enacted, that no rate or rates, assessment or assessments, nor any proceeding to be had touching the conviction of any offender or offenders against this Act, or any order made, or any other matter or thing to be done or transacted in or about the execution of any local Act or Acts of Parliament relating to any parochial or other district within the jurisdiction of this Act, or in or about the execution of this Act, or in pursuance or by virtue thereof, shall be vacated or quashed for want of form; but that any rate or assessment, or any matters of form in any conviction, order, proceeding, or other matter and thing, may be amended, as the justices at any general or quarter sessions of the peace for such city, borough or county may order and direct; nor shall any rate, proceeding, conviction, order, matter, or thing be removed or removable by certiorari, or by any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster, or elsewhere; any law, statute, or usage to the contrary notwithstanding.

HIGHWAYS ACT, 1835.

(5 AND 6 WILL. IV., c. 50.)

(Extracts.)

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84. Previous to a Highway being Stopped Up, etc., Surveyor to Request Justices to View the Same. And be it further enacted, that when the inhabitants in vestry assembled shall deem it expedient that any highway should be stopped up, diverted, or turned, either entirely or reserving a bridleway or footway along the whole or any part or parts thereof, the chairman of such meeting shall by an order in writing direct the surveyor to apply to two justices to view the same, and shall authorize him to pay all the expenses attending such view, and the stopping up, diverting, or turning such highway, either entirely or subject to such reservation as aforesaid, out of the money received by him for the purposes of this Act: Provided nevertheless, that if any other party shall be desirous of stopping up, diverting, or turning any highway as aforesaid, he shall by notice in writing require the surveyor to give notice to the churchwardens to assemble the inhabitants in vestry, and to submit to them the wish of such person, and if such inhabitants shall agree to the proposal the said surveyor shall apply to the justices as last aforesaid for the purposes aforesaid; and in such case the expenses aforesaid shall be paid to such surveyor by the said party, or be recoverable in the same manner as any forfeiture is recoverable under this Act; and the said surveyor is hereby required to make such application as aforesaid.

85. Proceedings for Diverting, etc., Certain Highways, and Stopping Up Unnecessary Highways. And be it further enacted, that when it shall appear upon such view of such two justices of the peace, made at the request of the said surveyor as aforesaid, that any public highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the public, and the owner of the lands or grounds through which such new highway so proposed to be made shall consent thereto by writing under his hand, or if it shall appear upon such view that any public highway is unnecessary, the said justices shall direct the surveyor to affix a notice in the form or to the effect of Schedule (No. 19.) to this Act annexed, in legible characters, at the place and by the side of each end of the said highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same notice in one newspaper published or generally circulated in the county where the highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid, (as the case may be,) shall lie, for four successive weeks next after the said justices have viewed such public highway, and to affix a like notice on the door of the church of every parish in which such highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any part thereof, shall lie, on four successive Sundays next after making such view; and the said several notices having been so published, and proof thereof having been given to the satisfaction of the said justices, and a plan having been delivered to them at the same time particularly describing the old and the proposed new highway, by metes, bounds, and admeasurement thereof, which plan shall be verified by some competent surveyor, the said justices shall proceed to certify under their hands the fact of their having viewed the said highway as aforesaid, and that the proposed new highway is nearer or more commodious to the public; and if nearer, the said certificate shall state the number of yards or feet it is nearer, or if more commodious, the reasons why it is so; and if the highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the certificate shall state the reason why it is unnecessary; and the said certificate of the said justices, together with the proof and plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said certificate, be lodged with the clerk of the peace for the county in which the said highway is situated, and shall (at the Quarter Sessions which shall be holden for the limit within which the highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the expiration of four weeks from the day of the said

certificate of the said justices having been lodged with the clerk of the peace as aforesaid,) be read by the said clerk of the peace into open Court; and the said certificate, together with the proof and plan as aforesaid, as well as the consent in writing of the owner of the land through which the new highway is proposed to be made, shall be enrolled by the clerk of the peace amongst the records of the said Court of Quarter Sessions: Provided always, that any person whatever shall be at liberty, at any time previous to the said Quarter Sessions, to inspect the said certificate and plan so as aforesaid lodged with the said clerk of the peace, and to have a copy thereof, on payment to the clerk of the peace at the rate of sixpence per folio, and a reasonable compensation for the copy of the plan.

86. As to Stopping Up More than One Highway Connected Together. Provided always, and be it further enacted, that in any case where it is proposed to stop up or divert more than one highway, which highways shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different highways in one order or certificate.

87. Court may Confirm Order for so Doing, Wholly or in Part. Provided also, and be it further enacted, that in the event of any appeal being brought against the whole or any part or parts of any order or certificate for diverting more highways than one, it shall be lawful for the Court to decide upon the propriety of confirming the whole or any part or parts of such order or certificate, without prejudice to the remaining part or parts thereof.

88. Persons who may Think Themselves Aggrieved if such Highway should be Ordered to be Stopped Up, etc., may Appeal. Provided always, and be it further enacted, that when any such certificate shall have been so given as aforesaid it shall and may be lawful for any person who may think that he would be injured or aggrieved if any such highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary highway should be ordered to be stopped up as aforesaid, to make his complaint thereof by appeal to the justices of the peace at the said Quarter Sessions, upon giving to the surveyor ten days notice in writing of such appeal, together with a statement in writing of the grounds of such appeal, who is hereby required, within forty-eight hours after the receipt of such notice, to deliver a copy of the same to the party by whom he was required to apply to the justices to view the said highway; provided that in all cases where the said surveyor shall have been directed by the inhabitants in vestry assembled to apply to such justices as aforesaid, then the said surveyor shall not be required to deliver a copy of such notice to any party: Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

89. In Case of Appeal, Jury at Sessions to Determine whether New Highway is Nearer, etc. And be it further enacted, that in case of such appeal the justices at the said Quarter Sessions shall, for the purpose of determining whether the proposed new highway is nearer or more commodious to the public, or whether the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said party appealing would be injured or aggrieved, impanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such Quarter Sessions; and if, after hearing the evidence produced before them, the said jury shall return a verdict that the proposed new highway is nearer or more commodious to the public, or that the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such appeal, and make the order herein mentioned for diverting and turning and stopping up such highway, either entirely or subject as aforesaid, or for diverting, turning, and stopping up of such old highway, and purchasing the ground and soil for such new highway, or for stopping up such unnecessary highway, either entirely

or subject as aforesaid; but if the said jury shall return a verdict that the proposed new highway is not nearer or not more commodious to the public, or that the highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such appeal, and shall not make such order as aforesaid.

90. Costs to be Awarded in Appeal against Stopping Up, etc. Highway. And be it further enacted, that the Court of Quarter Sessions is hereby authorized and required to award to the party giving or receiving notice of appeal such costs and expenses as shall be incurred in prosecuting or resisting such appeal, whether the same shall be tried or not, and such costs and expenses shall be paid by the surveyor or other party as aforesaid at whose instance the notice for diverting and turning or stopping up the highway, either entirely or subject as aforesaid, shall have been given; and in case the said surveyor or other party as aforesaid shall not appear in support thereof, the said Court of Quarter Sessions shall award the costs of the appellant to be paid by such surveyor or other party as aforesaid, and such costs shall be recoverable in the same manner as any penalties or forfeitures are recoverable under this Act.

91. If no Appeal be Made or if Dismissed Sessions to make Order for Diverting, etc., and the Old Ways may be Stopped. Provided always, and be it further enacted, that if no such appeal be made, or being made shall be dismissed as aforesaid, then the justices at the said Quarter Sessions shall make an order to divert and turn and to stop up such highway, either entirely or subject as aforesaid, or to divert, turn, and stop up such old highway, and to purchase the ground and soil for such new highway, or to stop up such unnecessary highway, either entirely or subject as aforesaid, by such ways and means, and subject to such exceptions and conditions in all respects, as in this Act is mentioned in regard to highways to be widened, and the proceedings thereupon shall be binding and conclusive on all persons whomsoever; and the new highways so to be appropriated and set out shall be and for ever after continue a public highway to all intents and purposes whatsoever; but no old highway (except in the case of stopping up of such useless highway as herein is mentioned) shall be stopped until such new highway shall be completed and put into good condition and repair, and so certified by two justices of the peace upon view thereof, which certificate shall be returned to the clerk of the peace, and by him enrolled amongst the records of the Court of Quarter Sessions next after such order as aforesaid shall have been made, pursuant to the directions herein-before contained.

92. Party Liable to Repair of Old Highways to Repair New Highways. Provided always, and be it further enacted, that in every case in which a highway shall have been turned or diverted under the provisions of this Act, the parish or other party which was liable to the repair of the old highway shall be liable to the repair of the new highway, without any reference whatever to its parochial locality.

307 **112. Limiting Powers of 57 G. 3, c. 29.** And be it further enacted, that nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the powers and provisions contained in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Obstructions therein;¹ or the powers and provisions contained in any Act relating to any particular parish or place for any of the purposes in this Act mentioned.

115. Nor the Rights and Liberties of the City of London. Provided always, and be it further enacted, that nothing in this Act contained shall extend to alter or in any manner affect the City of London and the liberties thereof, or the rights, interests, privileges, franchises, or authorities of the Mayor and Commonalty and Citizens of the City of London, or their successors, or the Lord Mayor and Aldermen of the said City, or the Lord Mayor of the said City for the time being as Conservator of the River Thames or otherwise, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the said Mayor and

¹ Michael Angelo Taylor's Act.

Commonalty and Citizens, the said Lord Mayor and Aldermen of the said City, or the said Lord Mayor for the time being as Conservator of the River Thames or otherwise, did or might lawfully claim, use, or exercise by any Act of Parliament or otherwise, or to vary or alter any of the provisions or regulations thereby made, directed, or provided, within the said City of London and the Liberties thereof, anything herein contained to the contrary thereof in anywise notwithstanding.

THEATRES ACT, 1843.

(6 & 7 VICT. c. 68.)

(Extracts.)

2. All Theatres for the Performance of Plays must be Licensed. And be it enacted, that, except as aforesaid, it shall not be lawful for any person to have or keep any house or other place of public resort in Great Britain, for the public performance of stage plays, without authority by virtue of letters patent from Her Majesty, her heirs and successors, or predecessors, or without licence from the Lord Chamberlain of Her Majesty's household for the time being, or from the justices of the peace as hereinafter provided; and every person who shall offend against this enactment shall be liable to forfeit such sum as shall be awarded by the Court in which or the justices by whom he shall be convicted, not exceeding twenty pounds for every day on which such house or place shall have been so kept open by him for the purpose aforesaid, without legal authority. 137

3. What Licences shall be Granted by the Lord Chamberlain. And be it enacted, that the authority of the Lord Chamberlain for granting licences shall extend to all theatres (not being patent theatres) within the parliamentary boundaries of the Cities of London and Westminster, and of the Boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth, and Southwark, and also within those places where Her Majesty, her heirs and successors, shall, in their Royal persons, occasionally reside: Provided always, that, except within the cities and boroughs aforesaid, and the boroughs of New Windsor in the county of Berks, and Brighthelmstone in the county of Sussex, licences for theatres may be granted by the justices as hereinafter provided, in those places in which Her Majesty, her heirs and successors, shall occasionally reside; but such licences shall not be in force during the residence there of Her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the Lord Chamberlain.

CITY OF LONDON SEWERS ACT, 1848.

(11 & 12 VICT. c. CLXIII.)

(Extracts.)

2. Provisions of 8 & 9 Vict. c. 18. incorporated with this Act. And be it enacted, that for the purpose of enabling the commissioners to be appointed in pursuance of this Act to effect the purchases by this Act authorised, and to carry into execution the several purposes of this Act, "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form part of this Act; and the provisions of the said Lands Clauses Consolidation Act shall be applicable to the purposes of this Act, except so far

as the same provisions or any of them are inconsistent with this Act, or are herein-after declared not to extend thereto; and in construing the said Act the commissioners to be appointed in pursuance of this Act shall be deemed the promoters of the undertaking for which such lands are required.

3. Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act. Provided always, and be it enacted, that the provisions in the said Lands Clauses Consolidation Act contained relating to the purchase and taking of lands otherwise than by agreement, and also the provisions therein contained directing lands not wanted to be sold, and that lands not sold shall vest in the owners of adjoining lands, and that lands intended to be sold shall be offered to adjoining owners, and requiring owners to claim their right of pre-emption within six weeks, and also with respect to the recovery of forfeitures, penalties, and costs, shall not extend to this Act or to the purposes thereof.

529 **5. Sole Power of Cleaning, Lighting, and Paving the City vested in the Commissioners of Sewers.** And be it enacted, that from and after the commencement of this Act the sole power of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring of all common sewers, drains, and vaults, and of paving, cleansing, lighting, and improving the several streets within the City, shall be and the same is hereby vested in the mayor and commonalty and citizens of the City of London, *to be executed by such persons as by the mayor, aldermen, and commons of the said City, in Common Council assembled, shall from time to time be nominated and, under the common seal of the mayor and commonalty and citizens, be appointed for that purpose, which said persons so from time to time to be nominated and appointed shall be and they are hereby constituted commissioners for carrying this Act into execution, and shall be called "The Commissioners of Sewers of the City of London."*

207 **52. Sewers, etc., within the City vested in the Commissioners.** And be it enacted, that all the sewers and public drains existing within the City at the time of the commencement of this Act, and all buildings, materials, and things connected therewith, and all other sewers and public drains which shall at any time be constructed and made therein, whether constructed at the cost of the commissioners or otherwise, and the entire management of the control over such sewers and public drains respectively, shall, subject to the provisions hereinafter contained, be vested in the commissioners.

53. Power to make Sewers. And be it enacted, that it shall be lawful for the commissioners from time to time to cause to be constructed and made such and so many main and other sewers, drains, vaults, culverts, and watercourses as they shall think necessary for the effectual draining of the City, together with all such reservoirs, engines, sluices, pinstocks, and other works as shall be required for properly flushing, cleansing, and ventilating such sewers and drains, in, under, or across all or any of the streets, whether dedicated to the use of the public or not, within the City, and, if needful, through and across all underground cellars and vaults which they may find under any of the said streets, doing as little damage as may be, and making full compensation for any damage wilfully or negligently done, and also to cause such and so many rings or openings to be made or left in the sides of the several sewers as will be sufficient to enable the owners or occupiers of any houses or buildings erected or built or to be erected or built in, adjoining, or near to any such sewers to make or branch any drain from such house into the said sewers, as the commissioners shall think necessary and expedient for that purpose; and in case it shall be found necessary, for completing any of the aforesaid works, to build, carry, and continue the same into or through or under any inclosed land, building, or other place, not being a public way, it shall be lawful for the commissioners to build, carry, and continue the same into, upon, or through or under such land, building, or other place accordingly, making full compensation to the owners and occupiers thereof, and also to cause such sewers to communicate with and empty themselves into the river Thames, or into any public stream or watercourse, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most

convenient site for its collection and sale, and its application as manure for agricultural purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance or annoyance to the neighbourhood; and all such sewers and other works and premises shall belong to and be at all times under the control, care, and management of the commissioners, and of their surveyors and officers.

54. Commissioners may Deepen and Alter Sewers. And be it enacted, that the commissioners shall have authority from time to time, as they shall see fit, to widen, deepen, embank, alter, arch over, amend, clean, and scour out all or any of the sewers within the City, and also to cleanse and drain off into any sewers and otherwise abate all stagnant ponds, ditches, and other receptacles of foul water and filth existing within the City; and further, in cases in which any of the existing or future sewers vested in the commissioners shall from any cause whatever appear to them to have become useless or unnecessary, it shall be lawful for the commissioners, if they shall think fit to do so, to take up, stop, or fill in and discontinue such old sewer, in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood; and for the purposes aforesaid, except that of taking up, stopping, or filling in old sewers, the commissioners are hereby invested with the same powers and authorities, and subjected to the same restrictions, with respect to entering, and building, carrying, and continuing the sewers, in inclosed and other lands, as have been given to and imposed upon them with respect to making new sewers.

57. Private Drains communicating with Public Sewers to be Repaired, etc., by Commissioners. And be it enacted, that all such private drains as now do or by authority of the commissioners shall hereafter be made to communicate with any of the public sewers or drains in the City shall be repaired and cleansed, under the inspection and direction of the surveyor or other proper officer of the commissioners, at the cost and charges of the owner or occupier of the houses, buildings, or ground to which the said private drains do or shall respectively belong.

58. Owners, etc., upon Request, to Repair, etc., Private Drains. And be it enacted, that the owner or occupier of every house, building, or ground to which any private drain may belong shall, upon being required so to do by the commissioners, forthwith repair and cleanse such drain, under the inspection and to the satisfaction of the surveyor or other proper officer of the commissioners; and if any such owner or occupier shall refuse or neglect, for the space of fourteen days next after notice requiring him so to do shall have been given to him, or left for him at or upon such house, building, or ground, to repair and cleanse such drain in the manner aforesaid, it shall be lawful for the commissioners and they are hereby empowered to cause the same to be repaired and cleansed, and to recover the expenses incurred thereby from the owner of such house, building, or ground in the manner herein-after provided.

59. Commissioners not to obstruct Private Drains without providing Others. Provided always, and be it enacted, that no person shall, by means of any alteration, amendment, enlargement, or discontinuance of any sewer, or other proceeding of the commissioners under this Act, be deprived of the use or enjoyment of any private sewer or drain which such person shall theretofore have been lawfully entitled to use, but the commissioners shall and they are hereby required so to construct or alter any such private sewer or drain as to render the same as effectual for the purpose for which it was intended as any such sewer or drain might be at the time of such alteration, or to provide for the use of such person such other sewer or drain as shall be equally effectual for that purpose; and in case the commissioners shall refuse or neglect so to construct and alter any such private sewer or drain, the use of which may be affected by the acts of the commissioners, or to provide such other sewer or drain as aforesaid, for the space of twenty-eight days next after notice in writing be served upon them, the commissioners shall forfeit and pay to the party aggrieved any sum not exceeding forty shillings for every day after the expiration of such twenty-eight days during which the commissioners shall refuse or neglect so to construct and alter or to provide such other sewer or drain as aforesaid.

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60. Owners or Occupiers of Property situate beyond the Limits of the City may make Private Sewers, etc., into the Sewers, etc., vested in the Commissioners. And whereas it would be of great public advantage if facility were given for extending the drainage in the neighbourhood of the City: be it therefore enacted, that it shall be lawful for every person, being the owner or occupier of any property situate beyond the limits of this Act, in respect to which the owner or occupier would not have been or be liable to the payment of the sewer rate and assessment by this Act authorized to be made, levied, and collected, with the consent of the commissioners, and upon payment to them of such reasonable sum of money as shall be determined by them to be a fair remuneration for the use of their sewers, at his own expense, to branch into any of the sewers or drains vested in the commissioners or authorized to be made by virtue of this Act, any private sewer or drain which in respect of the said property he may lawfully make therefrom, of such a size and in such a manner and form of communication in all respects as the commissioners shall direct or appoint; and in case any person, otherwise than in respect of property situate within the City, shall branch any private sewer or drain into any of the said sewers or drains so vested in the commissioners, or without paying to them such reasonable sum as they shall have required for the use of their sewers, or shall make any such private sewer or drain of a larger size or in a different manner and form of communication than shall be directed or appointed by the commissioners, every person so offending in any of the particulars aforesaid shall for every such offence forfeit and pay a sum not exceeding one hundred pounds, and it shall also be lawful for the commissioners to cut off, stop up, or prevent the communication of such private sewer or drain with the sewers or drains so vested in the commissioners, or authorized to be made under or by virtue of this Act.

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61. Commissioners in certain Cases may compel Owners, etc., of Houses to construct Drains into the Common Sewer. And whereas numerous houses and buildings have from time to time been erected and built without having proper drains communicating therefrom with any sewer, which proceedings are highly injurious to the public good: be it enacted, that in all cases wherever any house or building situate within the City shall at any time be found not to be drained by a sufficient drain communicating with some sewer, and emptying itself into the same, to the satisfaction of the commissioners, and if a sewer of sufficient size, under the jurisdiction of the commissioners, shall pass along any street, and within fifty feet of any part of such house or building on a lower level than such house or building, it shall be lawful for the commissioners, by notice in writing, to require the owner of such house or building forthwith, or within such reasonable time as shall be appointed by the commissioners, to construct and make from such house or building, into the nearest common sewer, a covered drain, of such materials, of such size, at such level, and with such fall as shall be adequate for the drainage of such house or building, and also, if practicable, of its areas, water-closets, privies, and offices, (if any,) and to carry and to convey the soil, drainage, and wash therefrom into the said sewer, and to provide a fit and proper trap, affixed to the mouth of such drain, to the satisfaction of the commissioners; and if the owner of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to such owner, or left at such house or building, to begin to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable despatch, it shall be lawful for the commissioners and they are hereby empowered to cause the same to be constructed and made, and to recover the expenses to be incurred thereby in the manner herein-after provided.

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62. No House to be built without Drains constructed to the Satisfaction of the Commissioners. And be it enacted, that it shall not be lawful to erect any house or other building within the City unless a drain be constructed to the satisfaction of the commissioners, of such materials, of such size, at such level, and with such fall as they shall direct, so that the same shall be available for the drainage of the lowest floor of such building, and also of its areas, water-closets, privies, and offices, (if any,) which drain shall lead from the intended site of such house to such sewer, already made or intended to be constructed near thereto, as the commissioners shall direct and

appoint, or if there be no such sewer existing or intended to be constructed within fifty feet of any part of the intended site of such house, then to such covered cesspool or other place, not being under any dwelling-house, as the commissioners shall direct.

63. Notice of Buildings to be given to the Commissioners before commencing the same. And be it enacted, that before beginning to lay or dig out the foundations of any new house or building within the City, or to rebuild any house or building therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the commissioners, fourteen days' notice in writing shall be given to the commissioners, by the person intending to build or rebuild such house or building or to make such drain; and every such foundation shall be laid at such level as is provided by this Act, and under such regulations as the commissioners shall order; and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship, as the commissioners shall order, and the making of every such drain shall be under the survey and control of the commissioners; and in default of such notice, or if such house, building, or drain shall be begun or erected or made without or in any respect contrary to any order of the commissioners or the provisions of this Act, it shall be lawful for the commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, or re-made, as the case may require, and to cause the expenses thereof to be levied and repaid to them by the owner thereof in the manner herein-after provided.

64. Houses Rebuilt to be on a Level determined by Commissioners. And be it enacted, that whenever any house or building shall be rebuilt within the City, the level of the lowest floor of such house or building shall be raised sufficiently to allow of the construction of such a drain as is herein-before provided in the case of houses or buildings to be built after the commencement of this Act, and for that purpose the levels shall be taken and determined under the direction of the commissioners; and whenever any house or building shall be taken down within twelve feet of the surface of the ground, for the purpose of being built up again, such building up shall be deemed a rebuilding within the meaning of this Act. 207

65. Private Drains may be Branched into Sewers constructed by the Commissioners, under certain Regulations. And be it enacted, that it shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by them, of such a size and in such a manner and form of communication in all respects as the commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street as may be required, unless the commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street; and in case any person shall make or branch any drain into any of the said sewers so vested in the commissioners, or authorized to be made under and by virtue of this Act, of a larger size or in a different manner and form of communication than shall be directed or appointed by the commissioners, every person so offending shall for every such offence forfeit a sum not exceeding fifty pounds.

66. Power to Commissioners to Branch Private Drains into Sewers, at the Expense of the Party to whom they shall belong. And be it enacted, that whenever it shall be necessary to take up or remove any part of the pavement or any of the materials of any street or public place, for the purpose of making or branching any private drain into any of the sewers or drains vested in the commissioners or authorized to be made by virtue of this Act, it shall be lawful for the commissioners, in case they shall think fit so to do, to make so much and such part of such private drain, and also to construct so much and such part of the work necessary for branching the same into the public sewers or drains as shall be under or in any street, and to levy and recover the costs and expenses which shall be incurred thereby from the owner of the house, building, or ground to which such private drain shall belong, in the manner herein-after provided.

67. Commissioners may agree to make House Drains at the Expense of Owners.

And whereas it would tend to insure a greater efficiency and economy in the execution of the works if the same were executed by persons under the immediate direction and control of the surveyor of the commissioners : be it enacted, that it shall be lawful for the commissioners to contract and agree with the owners of any houses, buildings, or ground that any drains required to be made, altered, or enlarged by such owners shall be constructed, made, altered, and enlarged by the commissioners ; and the cost price of making, altering, or enlarging such drains, as certified by the surveyor of the commissioners, shall be repaid by such owners to the commissioners, and in default of payment the same may be recovered in the manner herein-after provided.

68. Gullyholes, etc., to be Trapped. And whereas the noxious effluvia arising from gullyholes of sewers and drains has been found to be unwholesome, and injurious to health, it is therefore expedient that some provision should be made in respect thereof, to obviate the same : be it enacted, that the commissioners and the owners of any private drains shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent the effluvia of sewers and drains from exhaling through gullyholes, gratings, or other openings of sewers in any of the streets or other places within the city.

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70. Drains, Privies, etc., to be under the Control of the Commissioner and to be kept in Good Order by Owners or Occupiers. And be it enacted, that all drains, as well within as without the houses or buildings to which they belong, and all privies and cesspools within the City, shall be under the survey and control of the commissioners, and of the surveyors and officers appointed by them for that purpose, and shall be repaired and kept in proper order at the costs and charges of the owners or occupiers of the houses or buildings to which the same belong ; and if the owner or occupier of any house or building to which any such house, drain, privy, or cesspool shall belong shall neglect to repair and to put the same into good order in the manner required by the commissioners, during fourteen days after notice in writing for that purpose, signed by the clerk or other officer of the commissioners, shall have been given to such owner or left upon the premises, it shall be lawful for the commissioners to order such drain, privy, or cesspool to be repaired and put in good order, and to levy and recover the costs and expenses thereof from such owner in the manner herein-after provided.

71. Power for Commissioners to authorize Inspection of Drains, Privies, and Cesspools. And be it enacted, that it shall be lawful for the commissioners, or for their surveyor or inspector, or such other person as they shall appoint to inspect any drain, privy, or cesspool within the City, and for that purpose, at all reasonable times in the daytime after twenty-four hours' notice in writing shall have been given to the occupier of the premises, or in case of emergency without notice, to which such drain, privy, or cesspool is attached, or left upon the premises, to enter, by themselves or their surveyor or inspector and workmen, upon any lands and tenements, and also to cause the ground to be opened in any place they shall think fit, doing as little damage as may be ; and if such drain, privy, or cesspool shall be found to be made to the satisfaction of the commissioners, and in proper order and condition, they shall cause the same to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cesspool shall be defrayed by the commissioners, and full compensation shall be made by them for all damages or injuries done or occasioned by the opening of any such drain, privy, or cesspool.

72. Penalty on Persons Making or Altering Drains, etc., contrary to the Order of the Commissioners. And be it enacted, that in case any sewer, drain, privy, or cesspool, or other work, shall, on inspection, be found not to have been made according to the directions and regulations of the commissioners, or contrary to the provisions of this Act, or in case any person, without the consent of the commissioners, shall construct, rebuild, clear out, unstop, or in anywise alter any sewer, drain, privy, cesspool, or other work which may have been ordered by them not to be made, or to be demolished, stopped up, or amended, every person offending shall forfeit and pay any sum not exceeding the sum of ten pounds ; and in case the person so making any sewer, drain,

privy, cesspool, or other work, contrary to the directions and regulations of the commissioners, or, without such consent as aforesaid, constructing, rebuilding, clearing out, unstopping, or altering, any sewer, drain, privy, cesspool, or other work which may have been ordered to be demolished, stopped up, or amended, shall not, within seven days after notice in writing by the commissioners cause such sewer, drain, privy, cesspool, or other work to be altered in conformity with the directions of the commissioners, or, as the case may be, to be demolished, stopped up, or amended, then and in every such case the commissioners may cause the same to be done, and the costs and charges thereof shall be paid by the person who shall have so made such sewer, drain, privy, cesspool, or other work contrary to the directions of the commissioners, or shall without such consent have constructed, rebuilt, cleared out, or unstopped, or altered any sewer, drain, privy, cesspool, or other work which they may have ordered to be demolished, stopped up, or amended.

75. In Default of Persons liable to Construct Works, the Commissioners to Execute the same, and Recover Expenses. And whereas many works, acts, and things are required by this Act to be done by the owners and occupiers of houses, buildings, or lands, and other persons, for the improvement of the streets, sewers, and drains within the City, and for other purposes herein-before mentioned, and it is necessary to provide for the execution of all such works, acts, or things, in case the same shall not be done by the persons required to do the same: be it enacted, that wherever such work, act, or thing shall not be done by the owner or occupier or other person required to do the same by the provisions of this Act, in the manner or at the time prescribed by this Act, or by any notice given by the commissioners for that purpose in pursuance of this Act, or if no time shall be prescribed within a reasonable time, it shall be lawful for the commissioners to cause such work, act, or thing to be done, and the expenses which shall be incurred by the commissioners in respect of such work, act, or thing shall be paid to them by the owner, occupier, or other person by whom the same ought to have been done.

96. Justice may Suspend for a Time the Slaughtering of Cattle in Registered Houses. And be it enacted, that it shall be lawful for any justice before whom any person shall be convicted of killing or dressing any beast or cattle contrary to the provisions of this Act, or of the non-observance of any of the rules and regulations by this Act authorized to be made as aforesaid, in addition to the penalty imposed on such person under the authority of this Act, in case such person shall be the owner or proprietor of any registered slaughter-house, to suspend for any period not exceeding two months the slaughtering or killing of cattle therein; and it shall also be lawful for such justice, upon the conviction of any person for a second or other subsequent and like offence, in addition to the penalty imposed under the authority of this Act, in case such person shall be the owner or proprietor of any registered slaughter-house, to prohibit absolutely the slaughtering or killing of cattle therein.

97. Penalty on Persons carrying on the Trade of a Knacker within the City. And be it enacted, that if after the commencement of this Act any person shall within the City carry on the trade or business of a knacker, or deal in dead horses or other carrion, such person shall for every such offence forfeit and pay a sum not exceeding five pounds, and the like penalty for every day after the first upon which such offence shall be continued.

98. Commissioners empowered to enter upon Lands and Houses for the Purposes of this Act. And be it enacted, that the commissioners shall, for the purposes of this Act, and for carrying the several provisions therein contained into full and complete effect, have full power and authority to enter, or to order and direct their surveyor, medical officer of health, inspectors of nuisances, or other officers or contractors employed by them, at all reasonable hours in the daytime, to enter into and upon any house or building within the City, and into and upon the land on which any house, building, or other erection is built, or being built, or intended to be built, and into and upon any ground on which there may not be any house or building, or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatever, for or on account of such entry, or the works done or to be done in pursuance of this Act.

99. Commissioners may require Owners of Houses to provide Privies and Ashpits for the same. And be it enacted, that it shall be lawful for the commissioners to require the owner of any house to which no sufficient privy or ashpit is attached to provide such proper privy to the same, in such situation, not disturbing any building already erected, and with such proper door and covering to such privy, and also such fit and sufficient ashpit, and in such situation, not disturbing any building already erected, as the commissioners shall consider requisite for the use of the inmates and occupiers thereof; provided that a privy and ashpit, or two or more privies and ashpits, may, with the approbation of the commissioners, be used in common by the inmates and occupiers of two or more such houses.

434 **100. No House to be built without a Privy and Ashpit being provided.** And be it enacted, that no house shall hereafter be built without there being constructed, to the satisfaction of the commissioners, either in such house or in a yard attached to such house, a privy, with proper doors and coverings to the same, and also an ashpit, together (if required by the commissioners) with a proper funnel or flue or other means of carrying off upwards any offensive stench from such privy and ashpit.

119. Property of the Pavements vested in the Commissioners. And be it enacted, that the property of the pavements and other materials as well in the carriageways as footways of the streets, and all erections and buildings, and all materials, implements, and things relating to or used or to be used in or about the making or repairing thereof, shall, subject to the provisions herein-after contained, be and the same are hereby vested in the commissioners.

206 **120. Regulations for Paving Streets.** And be it enacted, that it shall be lawful for the commissioners from time to time to cause all or any of the streets within the City or any part thereof respectively to be paved or repaired when and as often and in such form and manner and with such materials as the commissioners shall think fit, and to cause the ground or soil thereof to be raised or lowered, and the course of the channels running in, into, or through the same to be turned or altered, in such manner as they shall think proper, and all such mains and pipes as now lie or hereafter shall be laid underground to be taken up, and new laid in such places, manner, and form as they shall judge best.

121. Owners possessing Freehold of Courts, etc., to Pave the same. Provided always, and be it enacted, that whenever the freehold of any court, passage, or public place, not being a thoroughfare, shall be vested in the owner of any adjoining house, the paving of such court, passage, or public place shall be done by such owner.

122. Owner of Courts to Flag them, and keep the Flagging in Repair. And be it enacted, that the owner of any such court, passage, or public place, not being a thoroughfare, shall, to the satisfaction of the commissioners, sufficiently pave the same, and lay, at a proper level, through, over, or along such part thereof as the commissioners may require, a channel or gutter, and keep such pavement and channel or gutter in good repair to the satisfaction of the commissioners; and if any such owner of any court, passage, or public place, not being a thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such channel or gutter, or shall not repair and keep the same respectively in good repair, to the satisfaction of the commissioners, within fourteen days after notice in writing requiring him so to do shall have been given to him by the commissioners, every such person so offending shall forfeit and pay any sum not exceeding five pounds; and it shall be lawful for the commissioners to cause such court, passage, or public place to be paved, or such channel or gutter to be laid down, or, as the case may be, to be repaired and put into good order, and to levy and recover the costs and expense thereof from such owner in the manner by this Act provided.

211 } **125. Vaults and Cellars under Streets not to be made without the Consent of the**
739 } **Commissioners.** And be it enacted, that no vault, arch, or cellar shall be made under any street within the City without the consent of the commissioners first obtained; and that all such vaults, arches, and cellars hereafter to be made within the City shall be substantially made, and so as not to interfere or communicate with any drains or sewers under the control of the commissioners, without their consent first obtained;

and if any vault, arch, or cellar shall be made contrary to the provisions of this Act it shall be lawful for the commissioners to fill up the same, and the expenses incurred thereby shall be paid by the person making such vault, arch, or cellar.

126. Commissioners to Pave new Streets, on One-Third of the Estimated Expense being Paid by the Owners. And be it enacted, that in case the owners of any houses forming the principal part of any new street laid out or made or hereafter to be laid out or made within the City, which has not previously been paved or repaired by or under the direction of the commissioners, shall be desirous of having the same paved, or if the commissioners shall deem it expedient or necessary that the same shall be paved, then and in either of such cases it shall be lawful for the commissioners and they are hereby required, as soon as conveniently may be after any such new or other street, or the site thereof, shall be prepared and appropriated for the public use, to lay out the ground for proper carriageways and footways, and well and sufficiently to pave the same, and from time to time to keep such pavement in good and sufficient repair; and the owners of the houses forming the principal part of such new street shall, on demand, pay to the commissioners one equal third part of the amount of the estimated expenses of providing and laying such pavement (such amount to be determined by the surveyor for the time being of the commissioners); and in default of payment thereof the same may be recovered by action of debt or on the case in any of the superior Courts; and the charges of such paving, or so much as shall be necessary in addition to the third part of the estimated expense to be paid to the commissioners as aforesaid, and of repairing such pavement, shall be defrayed out of the rates to be raised by virtue of this Act. 206

127. Providing for Payment of Difference between the Estimated and the Actual Expense of Paving New Streets, etc. And be it enacted, that in case the sum of money to be paid as the one third part of the amount of the estimated expenses of providing and laying the pavement of any such new street as herein-before is mentioned shall exceed one equal third part of the actual charges of such paving, then a sum of money equal to the difference between the third part of such estimated expenses and the third part of such actual charges shall be repaid by the commissioners to the owners of houses by whom the said sum of money shall have been paid; and in case the sum of money to be paid as aforesaid shall be less than one third part of the actual charges of such paving, then and in such case the owners of the houses by whom such sum shall have been paid shall, on demand, pay to the commissioners such further sum of money as, together with the sum which shall have been paid, shall amount or be equal to one third part of the actual amount of such paving respecting which such further sum may be recovered, in like manner as herein-before is directed for the recovery of the said one third part of the said estimated expenses.

133. Pavement not to be taken up without Consent of Commissioners. And be it enacted, that no company or person shall take up the pavement or otherwise disturb the surface of any street for the purpose of laying down, altering, or removing any pipe, or for any other purpose whatsoever, without the previous consent in writing of the commissioners, under the hand of the clerk, every such consent to state the name of the street in which the pavement is permitted to be taken up, and the number of square feet of pavement which may be removed or disturbed; and if any company or person shall take up or disturb the pavement or surface of any street without previous consent as aforesaid, or shall take up or disturb a greater number of square feet of pavement or surface than shall be permitted by such consent, every company or person so offending shall forfeit and pay the sum of forty shillings for every square foot of pavement which shall be so taken up or disturbed.

134. Notice to be given by Companies, etc., previously to Laying Down or Altering Line of Pipes. And be it enacted, that if any company or person shall be desirous of laying down in any street any new line of main pipes for water, gas, or other purposes, or of altering the pipes or the line of any existing main in any street, they or he shall give at least three months' notice in writing to the commissioners of such desire, and shall state in such notice the name of the street and the particular part thereof in which such line of main pipe is intended to be laid down, and the material and diameter

of such pipes, and the day on which the work is proposed to be commenced, and the time within which it will be completed.

135. Streets not to be Broken up, except under Superintendence of Commissioners. And be it enacted, that whenever it shall be necessary, from any cause whatever, for any company or person to break up or open the pavement, surface, or soil of any street, such street, and the pavement, surface, and soil thereof, shall be broken up and opened, under the superintendence of the commissioners, at such time and in such manner as they shall direct.

136. Streets Broken up to be Reinstated without delay. And be it enacted, that when the permanent surface or soil of any street shall be broken up or opened by any company or person, they or he shall with all convenient speed complete the work on account of which the same shall be broken up or opened, and fill in the ground and make good the pavement or surface or soil so broken up or opened, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or surface or soil shall be so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the part of the pavement, surface, or soil so broken up or opened a sufficient light during every night that such pavement or surface or soil shall be continued open or broken up.

137. Power to Commissioners to execute Works, and charge the Expenses to the Parties. Provided always, and be it enacted, that whenever the permanent surface or soil of any street shall be broken up or opened, it shall be lawful for the commissioners, in case they shall think it expedient so to do, to fill in the ground and to make good the pavement or surface or soil so broken up or opened, and to carry away the rubbish occasioned thereby, instead of permitting such work to be done by the company or person by whom such surface or soil shall have been broken up or opened; and the costs and expenses of filling in such ground, and of making good the pavement or soil so broken up or opened, shall be repaid, on demand, to the commissioners, by such company or person, and in default thereof shall be recovered by the commissioners from such company or person in the manner herein-after mentioned.

138. Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents. And be it enacted, that if any company or person authorized to take up any of the pavements of any street, for the purpose of laying, altering, or repairing any gas, water, or other pipe, or other lawful cause, shall not with due diligence cause the ground to be filled in and the pavement to be reinstated, and the surface to be made good in a proper and substantial manner, and shall not in the meantime fence and guard the same, and affix and maintain lights during the night near to the places where any ground shall be open, so as to prevent any accident, every such company or other person so offending shall for every such offence forfeit a sum not exceeding five pounds; and it shall be lawful for the commissioners to fill in such ground, and to remove such rubbish, and to repair and make good the pavement of any such street so broken up, and properly to fence or guard any such excavation, and to place and maintain lights during the night to prevent accidents, as to them shall seem necessary; and the reasonable costs and charges thereof shall be paid by the said company or person to the treasurer of the commissioners, and in default of payment thereof the amount thereof shall be recovered from any such company or person as any penalty is recoverable under this Act: Provided always, that such pavements shall not be considered to have been reinstated in a proper and substantial manner by such company or any other person having authority to take up the same unless the same shall have been reinstated with the same or similar materials of the like quality and thickness, and cemented and bound together in the same or in an equally substantial manner as those of which it was composed, in such manner as shall be satisfactory to the commissioners.

139. Commissioners to direct Pavements injured by Water or Gas Pipes to be repaired by them. And for the more speedily and effectually repairing and relaying the pavements of any street which shall at any time hereafter happen to be sunk, broken, injured, or damaged by reason or means of the breaking, bursting, or want of repair of any pipe belonging to any water or gas or other company, and laid beneath

the surface of such pavement, or of relaying or repairing any such pavement which shall be broken or taken up for the purpose of repairing or amending any such pipe, be it enacted, that it shall be lawful for the commissioners, if they shall deem it proper and expedient so to do, to cause notice to be given to the water or gas or other company to whom such pipe shall be supposed to belong forthwith well and sufficiently, to repair and make good such pavement; and if any water or gas or other company to whom such notice shall be given shall not within twenty-four hours next after such notice so given them as aforesaid take up such pavement, and well and sufficiently repair and amend such pipe, and cause the ground to be well and sufficiently filled in and rammed down, and the said pavement to be relaid and repaired, to the satisfaction of the commissioners, then such water or gas or other company so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

141. Penalty on Persons altering Pavements without the Consent of the Commissioners. And be it enacted, that if any company or person shall displace, take up, or make any alteration in the pavement of any foot or carriage way in any street within the City, without the consent in writing of the commissioners, or shall cause any obstruction in any street, every such company or person so offending shall for every such offence forfeit a sum not exceeding five pounds; and in case the person so displacing, taking up, or making or altering any such pavement without such consent as aforesaid, or causing any such obstruction as aforesaid, shall not, within twenty-four hours after notice in writing by the surveyor of the commissioners, cause the said pavement which shall have been so displaced, taken up, or altered to be reinstated and put into its former state, or such obstruction to be removed, then and in any such case the commissioners may cause the same to be done, and the costs and charges thereof shall be paid by the company or persons who shall have displaced, taken up, or altered such pavement, or have made or occasioned such obstruction.

142. Justices to settle Disputes as to Reinstatement of Pavement. And be it enacted, that if any question shall arise between any company or person and the commissioners relative to the proper reinstatement or sufficient or insufficient repair of any pavement, under the provisions of this Act, it shall be lawful for any justice, upon complaint before him, to summon the clerk or engineer or other officer of the company or person, and of the commissioners respectively, and to hear and determine the matter in a summary way, and to award and adjudge such sum of money by way of damage against such company or person, together with such costs and charges, as to such justice shall seem proper, and the amount of such damages so awarded and adjudged shall be recovered from such company or person by distress and sale of the goods and chattels of the said company or person, in the same manner as any penalty is recoverable under this Act: Provided always, that it shall not be competent for any justice to hear and determine any such question as aforesaid unless twenty-four hours' notice shall have been given by the complaining party to the other party of the intended application to such justice, with the grounds of such complaint.

153. Houses projecting beyond Line of Street, when taken down, to be set back. 211
And be it enacted, that if any building which shall in any part thereof project beyond the regular line of the street in which the same may be situate, or beyond the front of the building, wall, or railing on either side thereof, shall at any time be taken down to be rebuilt or altered, it shall be lawful for the commissioners to require the same to be set backwards to such a line and in such a manner as the commissioners shall direct for the improvement of such street, the commissioners making full compensation to the owner of such building for any damage which he may sustain thereby.

154. Owners, etc., to remove future Projections on Notice from Commissioners. 211
And be it enacted, that if the commissioners shall consider any porch, shed, projecting 739
window, step, cellar door or window, or steps leading into any cellar or otherwise, lamp, lamp post, lamp iron, sign, sign post, sign iron, showboard, window shutter, wall, gate, fence, or opening, or any other projection or obstruction that hereafter may be placed or made against or in front of any house or building, to be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street, it shall be lawful for them to give notice

in writing to the owner or occupier of any such house or building to remove such projection or obstruction, or to alter the same in such manner as the commissioners shall think fit ; and such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection or obstruction, or alter the same in such manner as shall have been directed by the commissioners.

155. Penalty on Owners for refusing to remove Projections, etc. And be it enacted, that if the owner or occupier of any such house or building shall neglect or refuse, within fourteen days after service of such notice upon him, to remove such projection or obstruction, or to alter the same in such manner as shall have been directed by the commissioners, he shall forfeit and pay any sum not exceeding five pounds for every such offence ; and it shall be lawful for the commissioners to cause the same to be removed or altered ; and all the charges for such removal or alteration shall be repaid to the commissioners by such owner or occupier, and in default of payment the same may be levied and recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered.

156. Commissioners may remove existing Projections, and make Compensation for the same. And with regard to all projections or obstructions of a like kind as those before mentioned, which have been erected, placed, or made against or in front of any house or building in any street before the commencement of this Act, be it enacted, that it shall be lawful for the commissioners, if they shall consider any such projection or obstruction to be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street, to cause the same to be removed or altered as they shall think fit : Provided always, that the commissioners shall give notice in writing of such intended removal or alteration to the owner or occupier against or in front of whose house or building such projection or obstruction shall be, seven days before such removal or alteration shall be commenced, and shall make reasonable compensation (to be ascertained, in case of dispute, by any justice, in manner by this Act directed,) to every person who shall incur any loss or damage by such removal.

212) **161. Hoards to be erected during Repairs.** And be it enacted, that every person
736) who shall build or begin to build, or to take down or begin to take down, any house or wall, or alter or repair, or begin to alter or repair, the outward part of any house or wall, shall cause to be put up a proper and sufficient hoard or fence or scaffold, in all cases in which the footway shall be thereby obstructed or rendered inconvenient, with a convenient platform and handrail, if there shall be room enough for the same, to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence or scaffold, in such cases as aforesaid, with such platform and handrail, standing and in good condition, to the satisfaction of the commissioners, during such time as may be necessary for the public safety or convenience, and shall, in all cases in which the same shall be necessary, to prevent accidents, cause such hoard or fence to be well lighted during the night ; and every such person who shall fail to put up such hoard or fence or scaffold, or such platform, with such handrail as aforesaid, or who shall not, whilst the said hoard or fence is standing, keep the same well lighted during the night, shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such default.

162. No Hoard to be erected without Licence from Commissioners. And be it enacted, that it shall not be lawful for any person to erect or set up in any street any hoard or fence or scaffold for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence in writing first had and obtained from the commissioners under the hand of their clerk or surveyor ; and every such licence shall state the name of the street in which and the purpose for which such hoard or fence or inclosure is to be made, and the size thereof, and the time for which it is to be permitted to continue.

163. Fee on Licence. And be it enacted, that for every such licence there shall be paid to the commissioners a fee, according to a scale to be prepared by the

commissioners, regulated with reference to the space of ground to be enclosed by such hoard or fence or covered by such scaffold, and the length of time for which such hoard or fence or scaffold is to continue: Provided always, that the sum to be paid for such licence shall not in any case exceed the sum of ten pounds.

164. If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Commissioners, the same may be removed. And be it enacted, that if any person shall erect or set up in any street any hoard or fence or scaffolding for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence from the commissioners, or shall do any such acts as aforesaid in any other manner than as permitted by such licence, or shall continue the same beyond the time stated in such licence, or shall fail to keep any hoard, fence, platform, or handrail in good repair, he shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such offence; and it shall be lawful for the commissioners to cause such hoard, fence, or scaffolding, or other inclosure or erection, to be pulled down, and the materials thereof, and also all the bricks, mortar, lime, or other building materials or other matters or things contained within the same or thereto belonging, to be removed to the common pound of the City commonly called the Greenyard, there to be deposited and kept until the owner thereof, or his known servant, shall pay to the person in whose custody the same shall be the charges of pulling down and removing the same; and in case the same shall not be claimed and the said charges paid within the space of eight days next after such seizure thereof, it shall be lawful for the commissioners to order the same to be sold, and by and out of the proceeds of such sale to pay the costs and charges thereby incurred, rendering any surplus to the owner or other person by law entitled thereto; and it shall be lawful for the commissioners to remove to such place as they shall think fit any rubbish or other matters which shall not be of sufficient value to take to the Greenyard; and in case the proceeds of such sale shall be insufficient to cover the costs, charges, and expenses incurred or occasioned by the pulling down of such hoard or fence or scaffolding or other inclosure or erection, and of removing the materials thereof, and of other materials, matters, and things, and of selling and disposing of such materials, matters, and things, and of removing and carting away such rubbish and things as shall not be of sufficient value to take to the Greenyard, the deficiency shall be repaid by the owner of such materials, matters, and things, to the commissioners, on demand, and in default of payment the same may be levied or recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered.

231. Service of Notice on Commissioners. And be it enacted, that any summons, notice, writ, or other proceeding at law or in equity required to be served upon the commissioners may lawfully be served by delivering the same personally to the clerk, or by leaving the same at the office of the commissioners.

232. Service of Notice on other Persons. And be it enacted, that any notice which by this Act, or by any Act incorporated herewith, may be required to be given to any person may lawfully be served by delivering the same to such person, or by delivering the same to his wife or servant, or any inmate, at his usual place of residence or business, or in case such place is not known, by affixing or leaving the same on or at his last known place of residence or business.

237. Where two or more Persons are to do any Act or pay any Sum of Money, Commissioners may apportion the same. 214 And be it enacted, that where under the authority of this Act two or more persons are or may be directed by the commissioners to do or join in doing any act, or to pay or join in paying any sum of money, costs, or expenses, or, where the commissioners are authorized or shall think proper to permit two or more persons to join together in doing any act, or paying any sum of money, costs, or expenses, it shall be lawful for the commissioners to apportion the matter to be done, or the sum of money, costs, or expenses to be paid between such persons in such manner as they the commissioners shall consider just and reasonable.

238. Occupier may recover from Owner or deduct from his Rent. And be it

enacted, that if any sum of money which under the provisions of this Act, or by the decision of the commissioners, ought to be paid by the owner of any house or building or other property, shall be paid by the occupier of such house, building, or other property, or be levied on his goods and chattels, then the person who shall be the owner of such house or building or other property at the time of such payment or levy shall reimburse the occupier; and it shall be lawful for such occupier to deduct the sums paid or levied, together with the costs of the distress (if any), paid by him, from any rent due or to become due from him in respect of such house, building, or property, and the payment shall be a good and sufficient discharge to such occupier against such owner for so much money as he shall have paid in the manner directed by this Act or by the commissioners, or shall have sustained the loss of by reason of any distress made under this Act, or such occupier may recover the same from such owner as aforesaid by action of debt or on the case, to be brought in any of the superior Courts or in any Court whatsoever: Provided always, that nothing herein contained shall be taken to affect any special contract made or to be made between any owner and occupier of any house, building, or other property whereof it is or may be agreed that the occupier shall pay and discharge all rates, dues, and sums of money payable in respect of such house, building, or other property.

239. Method of proceeding before Justices in Questions of Damages. And be it enacted, that where in this Act any question of compensation, expenses, charges, or damages is referred to the determination of any one justice or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice or before two justices (as the case may require), at a time and place to be named in such summons; and upon the appearance of such parties, or, in the absence of them, upon proof of due service of the summons, it shall be lawful for such one justice or such two justices (as the case may be) to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such justice or justices, and he or they shall determine the amount thereof.

252. Proceedings not to be Quashed for Want of Form. And be it enacted, that no act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior Courts, except as herein specially provided.

253 (part of). Parties allowed to Appeal to Quarter Sessions, on giving Security. And be it enacted, that if any person shall feel aggrieved by any adjudication or determination of any justice with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal to the general or quarter sessions. . . .

262. Interpretation of Act. And be it enacted, that in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender only shall include females.

"Month." The word "month" shall mean calendar month.

"Person." The word "person" shall include corporations, whether aggregate or sole.

"Oath." The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other person exempted by law from the necessity of taking an oath; and the power of administering oaths shall include the power of taking affirmations.

"City." The word "city" shall mean the City of London and the liberties thereof, and shall include such parts of Holborn, the Minories, and Aldersgate Street as are or have been usually treated as being within the liberties of the City, and the courts and alleys leading into the same or communicating therewith, and also the north side of Eldon Street, formerly called Broker Row, Moorfields, and the

courts and alleys leading into the same or communicating therewith, and all precincts and places within the City of London or the liberties thereof.

“**Lord Mayor.**” The expression “Lord Mayor” shall mean the Lord Mayor for the time being of the City of London.

“**Mayor and Commonalty and Citizens.**” The words “mayor and commonalty and citizens” shall mean the mayor and commonalty and citizens of the City of London.

“**Mayor, Aldermen, and Commons.**” The words “mayor, aldermen, and commons” shall mean the mayor, aldermen, and commons of the City of London in common council assembled.

“**Commissioners.**” The expression “the commissioners” shall mean the Commissioners of Sewers of the City of London.

“**Clerk.**” The word “clerk” shall mean the principal clerk for the time being of the commissioners.

“**Rate.**” The word “rate” shall mean any rate or assessment made under the authority of this Act.

“**Permission.**” “**Consent.**” “**Licence.**” The words “permission of the commissioners,” or “consent of the commissioners,” or “licence of the commissioners,” shall respectively mean permission, consent, or licence in writing, signed by the clerk or by such other person as the commissioners shall from time to time authorize to give or grant such permission, consent, or licence respectively.

“**Superior Courts.**” The words “superior courts” shall mean Her Majesty’s Superior Courts of Record at Westminster, and shall include the Mayor’s Court and the Sheriff’s Court of the City of London.

“**General or Quarter Sessions.**” The words “general or quarter sessions” shall mean the General or Quarter Sessions of the Peace of the City of London.

“**Justice.**” The word “justice” shall include the Lord Mayor, or any justice, alderman, or the recorder of the City of London.

“**Two Justices.**” When any matter shall be authorized or required to be done by or before two justices, the expression “two justices” shall be understood to mean two or more justices assembled and sitting together in petty sessions, or the Lord Mayor or any one alderman of the City of London.

“**Land.**” The word “land” shall extend to and comprise messuages, lands, tenements, or hereditaments of any tenure, and shall include houses and buildings.

“**House.**” The word “house” shall mean a dwelling-house.

“**Building.**” The word “building” shall extend to and comprise houses, warehouses, manufactories, and all buildings, of what nature or kind soever, and every part thereof.

“**Street.**” The word “street” shall include any square, street, court, alley, footpath, footway, highway, lane, road, thoroughfare, or public passage or place.

“**Court.**” The word “court” shall mean any present or future court, or passage leading into a court, or any present or future alley, or other way or place, having a house or houses or the principal entrance into a house therein, but not having a road or carriageway.

“**Passage.**” The word “passage” shall mean any present or future passage, alley, or other way or place not having a house or houses or the principal entrance into a house therein, but merely leading into any street or court, or to any house in such street or court, and not being a road or carriageway.

“**Public Place.**” The word “public place” shall mean any place to which the public have power of access, either by day or by night.

“**Pavement.**” The word “pavement” shall include stone of all kinds, bricks, tiles, wood, asphalte, or any other preparation, or any materials used in lieu of paving stones, by or with the approbation of the commissioners.

“**Carriage.**” The word “carriage” shall include any coach, omnibus, chariot, car, fly, cabriolet, gig, sociable, waggon, cart, caravan, timber carriage, dray, sledge, truck, handcart, wheelbarrow, or handbarrow.

"Cart." The word "cart" shall include any waggon, caravan, timber carriage, dray, or such like vehicle.

"Cattle." The word "cattle" shall include any horse, mare, gelding, foal or filly, bull, cow, heifer, ox, calf, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine.

"Offensive Matter." The words "any offensive matter or thing" shall include any nightsoil, offal, putrid meat or fish, entrails of fish, carrion, dead animals, blood, dung, manure, fish, shells, bones, broken glass, china, or earthenware, dust, ashes, refuse of vegetables or fruit, orange peel, soaples, soapsuds, or gas tar.

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"Owner." The word "owner" shall mean any person in the possession or receipt of rent or profit arising from any house, building, or land.

And whenever any forfeiture, penalty, or damage is payable to a party aggrieved, it shall be payable to a body corporate in like manner as to an individual; and where the doing of any act or thing is made punishable by this Act, or by any of the rules or regulations to be made by the commissioners in pursuance thereof, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

CITY OF LONDON SEWERS ACT, 1851.

(14 & 15 VICT. C. XCI.)

(*Extracts.*)

2. Traps to be Affixed to Inlets of Drains. That the directions contained in the Sixty-first Section of "The City of London Sewers Act, 1848," with respect to the providing and affixing a fit and proper trap to the mouth of the drains therein mentioned, shall extend to the providing and affixing a fit and proper trap to the inlet of such drains to the satisfaction of the commissioners.

4. Penalty on Scavengers and others Sweeping Dirt, etc., into Sewers. That no scavenger or other person shall sweep, rake, or place any soil, rubbish, or filth, or any other thing, into or in any sewer or drain, or over any grate communicating with any sewer or drain, or into any dock or inlet communicating with the mouth of any sewer or drain, or into which any sewer or drain may discharge its contents, or into the River Thames contiguous thereto; and every scavenger or other person who shall so offend shall for every such offence forfeit and pay any sum not exceeding five pounds.

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10. Regulations for the Registration and Inspection of Lodging-houses. And whereas the owners and keepers of lodging-houses of an inferior description, for the accommodation of mendicants, strangers, and other persons for the night or other short periods, and of other houses inhabited by the poorer classes of people, allow the same to be crowded by receiving more lodgers than such lodging-houses are adapted to contain with a due regard to health, and allow many persons of both sexes to be crowded together in a single room, and allow persons afflicted with fever and other diseases of a contagious or infectious nature to remain in them till infection has been communicated to other lodgers, and receive other lodgers into the apartments and beds from which diseased persons have been removed without any purifying or other disinfecting process: Be it enacted, that whenever the medical officer of health shall certify that the owner or keeper of any common lodging-house has received into such lodging-house more lodgers than the same is adapted to contain with due regard to health, or has suffered them to be crowded together in an indecent and improper manner, or has allowed persons afflicted with contagious or infectious disorders to remain therein, or has received other lodgers into the apartments and beds from which diseased persons have been removed, without previously purifying and disinfecting the same, or that the house is unfit for the reception of lodgers, either from being

ill-ventilated or not sufficiently cleansed, or from any other reason whatever, or that any undue or excessive sickness or mortality has occurred in such house, and notice of the medical officer of health having so certified shall have been given by the commissioners to the owner or keeper of such lodging-house, or left for him at or upon the said house, it shall not be lawful for the owner or keeper of such lodging-house, after such notice shall have been so given or left as aforesaid, to accommodate or receive any lodgers therein unless and until such house shall have been registered in a book to be kept by the commissioners for that purpose; and it shall be lawful for the commissioners from time to time to fix and determine the number of lodgers who may be accommodated in each such lodging-house, and to make such other regulations as they shall think necessary for the preservation of decency and health, and the names of the keepers of such lodging-houses shall be recorded by the commissioners in a register to be kept for that purpose; and the commissioners may order that a ticket containing the number of lodgers for which the house is registered, and any rules or instructions of the commissioners regarding health, cleanliness, or ventilation, shall be hung up or placed in a conspicuous part of each room into which lodgers are received; and the keepers of all such lodging-houses shall at all times give access to such room when required by any person appointed by the commissioners for the purpose of making an inspection and inquiry, or for the purpose of introducing, using, or performing any disinfecting process which the commissioners may order, and the expenses incurred by the commissioners in so introducing, using, or performing any disinfecting process shall be recoverable by them in a summary manner from the owner or person keeping the lodging-house in which the same shall have been so introduced, used, or performed; and if any keeper of such lodging-house shall offend against any of the provisions in this enactment contained, or against any of the regulations made by the commissioners from time to time by virtue of this Act, he shall be liable for each such offence to a penalty not exceeding five pounds, and the like penalty for any day after the first upon which any such offence shall be continued; and the expression "common lodging-house" shall, for the purposes of this Act, mean any house, not being a licensed victualling house, let or any part of which is let at a daily or weekly rent not exceeding the rate of three shillings and sixpence per week, or in which persons are harboured or lodged for hire for a single night or for not less than a week at one time, or in which any room let for hire is occupied by more than one family at one time.

18. No Place to be used as a Slaughter-house, unless Registered as such at the Commencement of this Act, or unless a Licence shall be first obtained. That no place shall be used or occupied as a slaughter-house unless the same shall be duly registered as such at the time of the commencement of this Act, or unless a licence from the commissioners for the erection thereof, or for the use and occupation thereof as a slaughter-house, shall have been previously obtained; and in case any person shall use as a slaughter-house any place not duly registered as such at the time of the commencement of this Act, without having first obtained from the commissioners such licence as aforesaid, every person so offending shall for each offence forfeit a sum not exceeding five pounds, and the like penalty for every day after the first upon which the said offence shall be continued.

19. Existing Register of Slaughter-houses to be kept. That the commissioners shall duly keep and preserve the register of slaughter-houses which shall have been made and kept by them in pursuance of the provisions contained in the said recited Act,¹ and such register shall be of the same force and validity in all respects as if made and kept under the authority of the provisions contained in this Act.

20. Commissioners authorized to grant Licences for Slaughter-houses. That it shall be lawful for the commissioners and they are hereby authorized and empowered, if they shall think proper so to do, but not otherwise, upon application made to them for that purpose, to grant licences from time to time for the erection of slaughter-houses, or for the use and occupation of buildings as slaughter-houses, upon such terms and conditions as the commissioners shall think proper.

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¹ The City of London Sewers Act, 1848.

21. Existing Slaughter-houses, if discontinued, not to be used again without a new Licence. That in case any place which, having been registered as a slaughter-house, shall not be used as such at the time of the commencement of this Act, or shall subsequently be discontinued to be used as such, the same shall not again be used as a slaughter-house until duly licensed as such under the provisions of this Act; and in case any person shall use any such place as aforesaid as a slaughter-house before the same shall have been so licensed as aforesaid, every person so offending shall for every such offence forfeit a sum not exceeding five pounds, and the like penalty for every day after the first upon which the said offence shall be continued.

22. Commissioners may make Rules for the Cleanliness and Regulation of Slaughter-houses, and fix Penalties for Non-observance of the same. That it shall be lawful for the commissioners from time to time to make such rules and regulations as to them may seem proper for the preservation of cleanliness in and the better regulation and management of any place now used or hereafter to be used for the purpose of or as a slaughter-house, or for the killing of cattle, and also to fix and appoint such pecuniary penalties for the non-observance or non-performance of such rules and regulations as the commissioners may think just and reasonable not exceeding five pounds for any one offence, to be recoverable in like manner as other penalties under this Act may be recovered.

23. After a certain Time, no Cellar, etc., to be used as a Slaughter-house. That after the expiration of six months from the commencement of this Act no cellar, vault, or other place, the floor whereof shall be more than eighteen inches below the surface of the street or ground adjoining the same, shall be used as a slaughter-house; and in case any person shall use as a slaughter-house any such place as aforesaid, he shall for every such offence forfeit a sum not exceeding ten pounds.

39. Offensive Liquids to be conveyed into the Sewers without flowing over the Pavement. That no urine or filthy or offensive liquid of any kind shall be permitted to flow from any house or building, private court or passage, upon the footway of any street, or upon the pavement of any court or passage, or into the surface drain or channel of any street, but all such houses, buildings, private courts or passages, shall be drained into the public sewers by close drains or pipes or tunnels placed below the surface of the pavement of the streets; and if any person shall wilfully permit or suffer any urine or offensive fluid of any kind to flow from any house or building, or private court or passage, upon the footway of any street, or upon the pavement of any court or passage, or into the surface drain or channel of any street, such person shall be liable to a penalty not exceeding five pounds for every such offence: Provided always, that in the case of any tempest, flood, or other unavoidable necessity, in which it may be requisite that water should be pumped up or discharged from any house, building, or place, such water may be conveyed over or under the footway, or over or under the pavement of any court or passage, by spouts or troughs, into the surface drain or channel of the street.

214 **51. Costs of Compulsory Works may be recovered from any of the Parties interested in the first Instance.** And whereas difficulties have occurred in the recovery by the commissioners of the costs and expenses of executing compulsory works under the said Act from the owners of premises: be it therefore enacted, that in all cases in which the commissioners are authorized to execute compulsory works they shall recover the costs and expenses thereof, in the first instance, from any one of the parties interested in the said premises, in the manner provided by the said Act, who shall be at liberty to recover over from the other persons interested in the same premises a proportionate part of the said costs and expenses, according to their several estates and interests therein.

58. Saving the Rights of the Crown, etc. Provided always, that nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, franchises, or authority of the Queen's Majesty, her heirs or successors, or of the mayor and commonalty and citizens of the City of London, or of the Lord Mayor of the said City for the time being.

COMMON LODGING HOUSES ACT, 1851.¹

(14 & 15 VICT. c. 28.)

(Extracts.)

2 (part of). Interpretation of Terms in this Act. The following words and expressions in this Act have, for the purposes and execution of this Act, the following meanings; to wit,

The word "place" includes county, riding, hundred, and other division or part of a county, city, borough, parish, district, and other place whatsoever:

The expression "common lodging house" includes, in any case in which only a part of a house is used as a common lodging house, the part so used of such house.

3 (part of). By whom the Act is to be executed. This Act shall be executed as follows; to wit, 52

(1) Within and for all or any part of the metropolitan police district, by "the Commissioners of Police of the Metropolis," or such one of them as is from time to time appointed in that behalf by one of Her Majesty's principal Secretaries of State:²

5. Meaning of the Term "the local Authority." The expression in this Act "the local authority" means, with respect to the purposes and execution of this Act with respect to any place, the body or person by this Act authorized to execute with respect to the place the several provisions of this Act.

7. Registers of Common Lodging houses to be kept. The local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging houses within the jurisdiction of the local authority, and the situation of every such house, and the number of lodgers authorized according to this Act to be received therein. 554

13. As to Cleansing of Common Lodging houses. The keeper of a common lodging house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof, to the satisfaction of and so often as shall be required by or in accordance with any regulation or byelaw of the local authority, and shall well and sufficiently, and to the like satisfaction, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year. 609

COMMON LODGING HOUSES ACT, 1853.³

(16 & 17 VICT. c. 41.)

(Extracts.)

2. Recited Act and this Act to be as One. The Common Lodging Houses Act, 1851, and this Act shall be construed and executed as if they were one Act.

3. All Common Lodging houses to be Registered before being used, and to be

¹ This Act and the Act of 1853 were originally of general application. By the Public Health Act, 1875, their operation was restricted to the metropolitan police district. By the Statute Law Revision Act, 1892, section 17 of the Act of 1851, exempting the City of London, was repealed. This Act of 1892, however, further restricted the operation of the Common Lodging Houses Acts to the metropolis as defined in the Public Health Act, 1875. This definition is as follows:—"The metropolis means the City of London and all parishes and places mentioned in Schedules A, B, and C to the Metropolis Management Act, 1855."

² Powers of the Commissioners of the Police transferred to the London County Council by the Local Government Board Provisional Order Confirmation (No. 12) Act, 1894.

³ Repealed, except so far as it relates to the metropolis, by the Statute Law Revision Act, 1892.

kept only by Registered Keepers. After three months after the passing of this Act a person shall not keep a common lodging house or receive a lodger therein until the house have been inspected and approved for that purpose by some officer appointed in that behalf by the local authority, and have been registered as by the recited Act provided ; and a person shall not keep a common lodging house unless his name as the keeper thereof be entered in the register kept under the recited Act : provided always, that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging house for not more than four weeks after his death without being registered as the keeper thereof.

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4. Local Authority may refuse to Register Houses, if Keepers do not produce Certificate of Character. The local authority may refuse to register as the keeper of a common lodging house a person who does not produce to the local authority a certificate of character in such form as the local authority shall direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging house is situate for property of the yearly rateable value of six pounds or upwards.

5. Evidence of Register. A copy of an entry made in a register kept under the recited Act, certified by the person having the charge of the register to be a true copy, shall be received in all Courts and before all justices and on all occasions whatsoever as evidence, and be sufficient proof of all things therein registered, without production of the register or of any document, act, or thing on which the entry is founded ; and every person applying at a reasonable time shall be furnished gratis by the person having such charge with a certified copy of any such entry.

6. Power to Local Authority to require an Additional Supply of Water to Common Lodging houses. When it appears to the local authority that a common lodging house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of the common lodging house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be not complied with accordingly, the local authority may remove the common lodging house from the register until it be complied with.

METROPOLIS MANAGEMENT ACT, 1855.

(18 & 19 VICT. c. 120.)

(*Extracts.*)

DUTIES AND POWERS OF VESTRIES AND DISTRICT BOARDS.

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68. Sewers (except Main Sewers) vested in Vestries and District Boards. Upon the commencement of this Act all sewers vested in the Metropolitan Commissioners of Sewers which are situate in any parish mentioned in Schedule (A) to this Act (except such sewers as are mentioned in Schedule (D) to this Act), with the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works, and things thereunto appertaining, and the materials thereof, with all rights of way and passage used and enjoyed by such commissioners over or to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall become vested in the vestry of such parish ; and all sewers vested in the said Metropolitan Commissioners which are situate within any district mentioned in Schedule (B) to this Act, except as before excepted, with all such works and things as aforesaid appertaining hereto, and all rights of way and passage used and enjoyed by such commissioners over or to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall become vested in the board of works for such

district ; and all sewers made and to be made within any such parish or district, except sewers and works vested or to be vested in the Metropolitan Board of Works, as herein-after mentioned, shall be vested in such vestry and board respectively.¹

69.² Vestries and District Boards to Repair, etc., all Sewers vested in them, and from Time to Time to construct New Ones, etc. The vestry of every parish mentioned in Schedule (A) to this Act, and the board of works for every district mentioned in Schedule (B) to this Act, shall (subject to the powers by this Act vested in the Metropolitan Board of Works) from time to time repair and maintain the sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the powers herein contained, and shall cause to be made, repaired, and maintained such sewers and works, or such diversions or alterations of sewers and works, as may be necessary for effectually draining their parish or district, and shall cause all banks, wharves, docks, or defences abutting on or adjoining any river, stream, canal, pond, or watercourse in such parish or district, to be raised, strengthened, or altered or repaired, where it may be necessary so to do, for effectually draining, or protecting from floods or inundation such parish or district ; and it shall be lawful for any such vestry or district board to carry any such sewers or works through, across, or under any turnpike road, or any street or place laid out as or intended for a street, or through or under any cellar or vault which may be under the pavement or carriageway of any street, and into, through, or under any lands whatsoever, making compensation for any damage done thereby as herein-after provided ; and it shall be lawful for any such vestry or district board from time to time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the sewers, watercourses, and works which shall be from time to time vested in them or subject to their order and control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary : provided always, that no new sewer shall be made without the previous approval of the Metropolitan Board of Works : provided also, that the discontinuance, closing up, destruction, or alteration of any sewer as aforesaid shall be so done as not to create a nuisance ; and if by reason thereof any person shall be deprived of the lawful use of any covered sewer, it shall be the duty of the vestry or district board to provide some other sewer or a drain as effectual for his use as the sewer of which he is so deprived : provided also, that where the vestry or district board alter any sewer, or provide a new sewer in substitution for a sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private drains communicating with the sewer so altered, or with the sewer so discontinued, closed up, or destroyed, or may close up or destroy such private drains, and provide new drains in lieu thereof, as the circumstances of the sewerage may appear to them to require, but so that in every case the altered or substituted drain shall be as effectual for the use of the person entitled thereto as the drain previously used.

70.² Power to Vestries and District Boards to do Works of Improvement in Sewers, etc., the Expense of which to be Divided between the Party Liable and the Parish or District. Wherever any party is, by prescription, by reason of tenure, or otherwise, liable by law to maintain or do any repairs to sewers, banks, watercourses, or works in any such parish or district which the vestry or district board judge it necessary to alter or improve, it shall be lawful for them to make such alterations or improvements therein as they think proper, and to divide the expense of such alterations or improvements between the party liable to such maintenance or repairs and the parish, district, or persons who would have been wholly liable to the expense of such alterations or improvements if no party had been liable as aforesaid, so as to throw on the party liable to such maintenance or repairs such part of the expense of alterations or improvements as may be equal to what would be incurred for such maintenance or repairs, and to throw on the parish, district, or persons aforesaid the residue of such expense, and to settle and adjust such proportions either by some

¹ The parishes and districts mentioned in Schedules (A) and (B) comprise the whole of the original metropolis, except the City and the areas mentioned in Schedule (C). 356

² So much of this section as relates to flood works is superseded by the Amendment Act of 1879. 402

general regulation or by order in each particular case, as they may think proper : provided always, that nothing in this Act contained shall exempt from liability to do any works, or to pay the whole cost thereof, any person who, by prescription, by reason of tenure, or otherwise by law, is so liable.

71. Gullyholes, etc., to be Trapped. Every district board and vestry shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent the effluvia of sewers from exhaling through gullyholes, gratings, or other openings of sewers in any of the streets or other places within their district or parish.

72. Vestries and District Boards to Cause Sewers to be Cleansed, etc. Every vestry and district board shall cause the sewers vested in them to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied, and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary.

32 73. Vestry or District Board in Certain Cases may Compel Owners, etc., of Houses to Construct Drains into the Common Sewer. If any house or building, whether built before or after the commencement of this Act, situate within any such parish or district, be found not to be drained by a sufficient drain communicating with some sewer, and emptying itself into the same, to the satisfaction of the vestry or board of such parish or district and if a sewer of sufficient size be within one hundred feet of any part of such house or building, on a lower level than such house or building, it shall be lawful for the vestry or board, at their discretion, by notice in writing, to require the owner of such house or building forthwith, or within such reasonable time as may be appointed by the vestry or board, to construct and make from such house or building into any such sewer a covered drain, and such branches thereto, of such materials, of such size, at such level, and with such fall as shall be adequate for the drainage of such house or building, and its several floors or stories, and also of its areas, waterclosets, privies, and offices, (if any,) and for conveying the soil, drainage, and wash therefrom into the said sewer, and to provide fit and proper paved or impermeable sloped surfaces for conveying surface water thereto, and fit and proper sinks, and fit and proper syphoned or otherwise trapped inlets and outlets for hindering stench therefrom, and fit and proper water supply and water supplying pipes, cisterns, and apparatus for scouring the same, and for causing the same to convey away the soil, and fit and proper sand traps, expanding inlets, and other apparatus for hindering the entry of improper substances therein, and all other such fit and proper works and arrangements as may appear to the vestry or board, or to their officers, requisite to secure the safe and proper working of the said drain, and to prevent the same from obstructing or otherwise injuring or impeding the action of the sewer to which it leads ; and it shall be lawful for the said vestry or board to cause the said works to be inspected while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the vestry or board or their officers appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and perfect working of such works ; and if the owner of such house or building neglect or refuse, during twenty-eight days after the said notice has been delivered to such owner, or left at such house or building, to begin to construct such drain and other works aforesaid, or any of them, or thereafter fail to carry them on and complete them with all reasonable despatch, it shall be lawful for the vestry or board to cause the same to be constructed and made, and to recover the expenses to be incurred thereby from such owner in the manner herein-after provided.

33 74. Provision for Combined Drainage of Blocks of Houses. If it appear to the vestry or board of any parish or district that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, may be drained and improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exist or be about to be constructed within one hundred feet of any part of such group or block of houses, whether contiguous, detached, or

semi-detached, it shall be lawful for such board or vestry to order that such group or block of houses be drained and improved, as herein-before provided, by a combined operation.

75. No House to be Built without Drains Constructed to the Satisfaction of the Vestry or District Board. 36 It shall not be lawful to erect any house or other building in any parish mentioned in Schedule (A) to this Act, or in any district mentioned in Schedule (B) to this Act, or to rebuild any house or building within any such parish or district which has been pulled down to or below the floor commonly called the ground floor, or to occupy any house or building so newly built or rebuilt, unless a drain and such branches thereto and other connected works and apparatus and water supply as herein-before mentioned be constructed and provided to the satisfaction of the surveyor of the vestry of such parish or board of works for such district, of such materials, of such size, at such level, and with such fall as they may direct, so that the same shall be available for the drainage of the lowest floor of such house or building, and of its several floors or stories, and also of its areas, waterclosets, privies, and offices (if any), which drain shall lead from such house or building, or the intended site of such house or building, to such sewer, already made or intended to be constructed near thereto, as the vestry or board shall direct and appoint, or if there be no such sewer existing or intended to be constructed within one hundred feet of any part of the intended site of such house or building, then to such covered cesspool or other place, not being under any dwelling house, as the vestry or board shall direct; and whenever any house or building is rebuilt as aforesaid, the level of the lowest floor of such house or building shall be raised sufficiently to allow of the construction of such a drain and such branches thereto and other works and apparatus as are herein-before required, and for that purpose the levels shall be taken and determined under the direction of the vestry or district board.

76. Notice of Buildings to be given to the Vestry or District Board before commencing the same. 36 Before beginning to lay or dig out the foundation of any new house or building within any such parish or district, or to rebuild any house or building therein, and also before making any drain for the purpose of draining directly or indirectly into any sewer under the jurisdiction of the vestry or board of or for any such parish or district, seven days' notice in writing shall be given to the vestry or board by the person intending to build or rebuild such house or building or to make such drain; and every such foundation shall be laid at such level as will permit the drainage of such house or building in compliance with this Act, and as the vestry or board shall order, and every such drain shall be made in such direction, manner, and form, and of such materials and workmanship, and with such branches thereto and other connected works and apparatus and water supply as herein-before mentioned, and as the vestry or board shall order, and the making of every such drain shall be under the survey and control of the vestry or board; and the vestry or district board shall make their order in relation to the matters aforesaid, and cause the same to be notified to the person from whom such notice was received within seven days after the receipt of such notice, and in default of such notice, or if such house, building, or drain, or branches thereto or other connected works and apparatus and water supply, be begun, erected, made, or provided in any respect contrary to any order of the vestry or board made and notified as aforesaid, or the provisions of this Act, it shall be lawful for the vestry or board to cause such house or building to be demolished or altered, and to cause such drain or branches thereto and other connected works and apparatus and water supply to be re-laid, amended, or re-made, or, in the event of omission, added, as the case may require, and to recover the expenses thereof from the owner thereof in the manner herein-after provided.

78. Power to Metropolitan Board or Vestry or District Board to branch Private Drains into Sewers, at the Expense of the Party to whom they belong. Whenever it is necessary to open any part of the pavement or any street or public place, for the purpose of making or branching any private drain into any of the sewers or drains vested in the Metropolitan Board of Works, or any vestry or district board under this Act, or authorized to be made by them under this Act, it shall be lawful for the vestry or board,

in case they think fit so to do, to make so much and such part of such private drain, and also to construct so much and such part of the work necessary for branching the same into the public sewers as shall be under or in any street, and to recover the expenses incurred thereby from the owner of the house, building, or ground to which such private drain belongs, in the manner herein-after provided.

79. Vestry or District Board may agree to make House Drains at the Expense of Owners or Occupiers. It shall be lawful for any such vestry or board to contract and agree with the owners or occupiers of any houses, buildings, or ground that any drains required to be made, altered, or enlarged by such owners shall be constructed, made, altered, and enlarged by the vestry or board; and the cost price of making, altering, or enlarging such drains, as certified by the surveyor of the vestry or board, shall be repaid by the owner or occupier so agreeing to the vestry or board, and in default of payment the same may be recovered in the manner herein-after provided.

367 **80. Vestry or District Board may order a Contribution towards Construction of Sewers in certain Cases.** Where any sewer in any of the parishes mentioned in either of the Schedules (A) and (B) to this Act, into which any drain shall be made or branched, has been built since the third day of September one thousand eight hundred and thirteen, and before the commencement of this Act, at the expense of any person or body other than any commissioners of sewers, the vestry or district board in whom such sewer is vested may order such sum as they may deem just to be paid and contributed by the owner of the house to which such drain belongs towards the expense of the construction of such sewer, which sum shall, on the receipt thereof by such vestry or board, be paid over to the person or body aforesaid, and such vestry or board may, if they see fit, order and accept payment of such sum, with interest after a rate not exceeding five pounds for the hundred by the year, by instalments within any period not exceeding twenty years.

36 **82.¹ Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools.** It shall be lawful for any such vestry or board, or for their surveyor or inspector, or such other person as they appoint, to inspect any drain, watercloset, privy, cesspool, or water supply apparatus, or sinks, traps, syphons, pipes, or other works or apparatus connected therewith, within the parish or district of such vestry or board, and for that purpose, at all reasonable times in the daytime, after twenty-four hours notice in writing has been given to the occupier of the premises to which such drain, watercloset, privy, cesspool, or water supply apparatus, or other connected works or apparatus as aforesaid, is attached, or left upon the premises, or in case of emergency without notice, to enter, by themselves or their surveyor or inspector and workmen, upon any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

83.¹ Penalty on Persons improperly Making or Altering Drains. In case any drain, watercloset, privy, cesspool, or water supply, or water supply apparatus, or other connected works or apparatus, herein-before mentioned, be found, on inspection, not to have been made or provided according to the directions or regulations of the vestry or district board, or contrary to the provisions of this Act, or in case any person, without the consent of the vestry or district board, construct, rebuild, or unstop any sewer, drain, watercloset, privy, or cesspool which may have been ordered by them not to be made, or to be demolished or stopped up, or in case any person discontinue any water supply, or destroy any connected works or apparatus as aforesaid, or in case any person, without the consent of the vestry or district board, break into any sewer vested in such vestry or board, every person so offending shall forfeit and pay any sum not exceeding ten pounds; and in case the person so making any sewer, drain, watercloset, privy, cesspool, or other works or apparatus as aforesaid, contrary to the directions or regulations of the vestry or board, or contrary to the provisions, of this Act, or, without such consent as aforesaid, constructing, rebuilding, or unstopping any sewer, drain, watercloset, privy, or cesspool which may have been ordered to be demolished or stopped up, or discontinuing any water supply or destroying any connected works

450 ¹ Section repealed by Public Health (London) Act, 1891, except so far as it relates to a drain or sewer, or any work or apparatus connected therewith.

or apparatus as aforesaid, or breaking into any such sewer as aforesaid, do not, within fourteen days after notice in writing by the vestry or board, cause such sewer, drain, watercloset, privy, or cesspool to be altered or reinstated in conformity with the directions of the vestry or board, or, as the case may be, to be demolished or stopped up, or such water supply to be renewed, or such connected works or apparatus to be restored, then and in every such case the vestry or board may cause the work to be done, and the expenses thereof shall be paid by the person who has so offended.

84.¹ Where no Default found Expenses to be paid by Vestry or Board. If such drain, watercloset, privy, cesspool, or water supply, or water supply apparatus, or other connected works and apparatus, be found on inspection as aforesaid to be made to the satisfaction of the vestry or board, and in proper order and condition, they shall cause the same to be reinstated and made good as soon as may be, and the expenses of examination, reinstating, and making good such drain, watercloset, privy, cesspool, or other works or apparatus as aforesaid, shall be defrayed by the vestry or board, and full compensation shall be made by them for all damages or injuries done or occasioned by the examination of any such drain, watercloset, privy, cesspool, or other works or apparatus as aforesaid.

85.¹ Vestry or District Board to cause Drains, etc., to be put into Proper Condition, etc. where necessary. If, upon such inspection as aforesaid, any drain, watercloset, privy, or cesspool appear to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the vestry or board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the inspection was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works; and if such notice be not complied with by the person to whom it is given the vestry or board may, if they think fit, execute such works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

90. All Powers relating to Paving, etc., to be vested in Vestries and in District Boards. All the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish mentioned in Schedule (A) to this Act, or any part of such parish now vested in any commissioners, or in any body other than the vestry of such parish, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish or part, or of the inhabitants thereof, (except such duties, powers, and authorities as relate to the affairs of the Church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto,) now vested under any local Act of Parliament in any commissioners, or in any body other than the vestry of such parish, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the vestry of such parish under this Act; and all the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish included in any district mentioned in Schedule (B) to this Act, or any part of such parish, now vested in any commissioners, vestry, or other body, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish, or part, or of the inhabitants thereof (except such duties, powers, and authorities as relate to the affairs of the Church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto), now vested under any local Act of Parliament in any commissioners, vestry, or other body, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the board of works for such district; and the provisions of every such Act of Parliament as aforesaid shall be applicable to the vestry of every parish

¹ Section repealed by Public Health (London) Act, 1891, except so far as it relates to a drain or sewer, or any work or apparatus connected therewith.

mentioned in the said Schedule (A) and to every such district board accordingly, and the offices of all commissioners and persons whose powers are determined by this Act shall cease and be determined, and there shall be no new appointment or election to any such office.

96. Powers and Duties of Surveyors of Highways, and Property vested in them, transferred to Vestries and District Boards. Every vestry and district board shall, within their parish or district (exclusively of any other persons whatsoever), execute the office of and be surveyor of highways, and have all such powers, authorities, and duties, and be subject to all such liabilities, as any surveyor of highways in England is now or may hereafter be invested with or liable to by virtue of his office, under the laws for the time being in force, so far as such powers, authorities, duties, and liabilities are not inconsistent with this Act; but all expenses which under any such law ought to be defrayed by highway rates shall be defrayed by means of the rates to be raised under this Act, and all monies which would be applicable in aid of such highway rates shall be applied in aid of the said rates to be raised under this Act, and no such vestry or board shall be subject to any provisions concerning the accounts of surveyors of highways, or requiring any returns to be made to any special sessions; and all streets being highways, and the pavements, stones, and other materials thereof, and all other things provided for the purposes thereof by any surveyor of highways, or by any person serving the office of surveyor of highways, or by any vestry or district board under this Act, shall vest in and be under the management and control of the vestry or district board of the parish or district in which such highways are situate.

98. Vestry or District Board to cause Streets to be Paved. It shall be lawful for every vestry and district board from time to time to cause all or any of the streets within their parish or district, or any part thereof respectively, to be paved or repaired when and as often and in such form and manner and with such materials as such vestry or board think fit, and to cause the ground or soil thereof to be raised or lowered, and the course of the channels running in, into, or through the same to be turned or altered, in such manner as they think proper, and to alter the position of any mains or pipes in or under such street, such alteration to be made subject to the approval of the engineer of the company to which such mains or pipes belong.

99. Owners possessing Freehold of Courts, etc., to Pave the same. Provided always, that whenever the freehold of any court, passage, or public place, not being a thoroughfare, is vested in the owner of any adjoining house, the paving of such court, passage, or public place shall be done by such owner, if deemed expedient or necessary by the vestry or district board.

100. Owner of Courts to Drain them, and keep the Pavement, etc., in Repair. The owner of any such court, passage, or public place, not being a thoroughfare, shall, if required by the vestry or district board of the parish or district in which the same is situate, to the satisfaction of such vestry or district board sufficiently pave, cover the surface of, or repair the same, and lay, at a proper level, through, over, under, or along such part thereof as such vestry or board may require, a drain, channel, or gutter, and keep such pavement or covering, and drain, channel, or gutter, in good repair, to the satisfaction of such vestry or board; and if any such owner of any court, passage, or public place, not being a thoroughfare, do not sufficiently pave or cover the same as aforesaid, or do not lay down therein such drain, channel, or gutter, or do not repair the same respectively, to the satisfaction of such vestry or board, within fourteen days after notice in writing requiring him so to do has been given to him by such vestry or board, every such person so offending shall forfeit and pay any sum not exceeding five pounds.

101. Vaults and Cellars under Streets not to be made without the Consent of the Vestry or Board. No vault, arch, or cellar shall be made under any street without the consent of the vestry or district board of the parish or district in which the same is situate; and all such vaults, arches, and cellars hereafter to be made within any parish or district mentioned in either of the Schedules (A) and (B) to this Act shall be substantially made, and so as not to interfere or communicate with any drain or

sewer under the control of any vestry or district board, or of the Metropolitan Board of Works, without their consents respectively first obtained; and if any vault, arch, or cellar be made contrary to this provision, it shall be lawful for the vestry or district board, or for the Metropolitan Board of Works, to fill up or alter the same, and the expenses incurred thereby shall be paid by the owner of such vault, arch, or cellar.

102. Vaults, etc., under Streets to be Repaired by Owners or Occupiers. All vaults, arches, and cellars made either before or after the commencement of this Act under any street in any parish or district mentioned in either of the Schedules (A) and (B) to this Act, and all openings into the same in any such street, shall be repaired and kept in proper order by the owners or occupiers of the houses or buildings to which the same respectively belong; and in case any such vault, arch, or cellar be at any time out of repair, it shall be lawful for the vestry or district board of such parish or district to cause the same to be repaired and put into good order, and to recover the expenses thereof from such owner in the manner herein-after provided.

105. Provisions for Paving New Streets. In case the owners of the houses forming the greater part of any new street laid out or made or hereafter to be laid out or made, which is not paved to the satisfaction of the vestry or district board of the parish or district in which such street is situate, be desirous of having the same paved, as herein-after mentioned, or if such vestry or board deem it necessary or expedient that the same should be so paved, then and in either of such cases such vestry or board shall well and sufficiently pave the same, either throughout the whole breadth of the carriageway and footpaths thereof, or any part of such breadth, and from time to time keep such pavement in good and sufficient repair; and the owners of the houses forming such street shall, on demand, pay to such vestry or board the amount of the estimated expenses of providing and laying such pavement (such amount to be determined by the surveyor for the time being of the vestry or board); and in case such estimated expenses exceed the actual expenses of such paving, then the difference between such estimated expenses and such actual expenses shall be repaid by the said vestry or board to the owners of houses by whom the said sum of money has been paid; and in case the said estimated expenses be less than the actual expenses of such paving, then the owners of the said houses shall, on demand, pay to the said vestry or board such further sum of money as, together with the sum already paid, amounts to such actual expenses.

106. Vestry or Board may declare their Intention of Repairing any Street not being a Highway. *Proviso.* The vestry or district board of any parish or district may, if they think fit, by notice in writing put up in any part of any street in their parish or district, not being a highway, declare their intention of repairing the same under this Act, and thereupon the same shall be from time to time repaired by them under the authority of this Act: *provided always, that no street shall be repaired as last aforesaid unless such notice in writing be also given to all persons interested in such street, or if within one month after notice in writing has been put up or given as last aforesaid, any person interested in such street, or the person representing or entitled to represent any person interested as aforesaid, by notice in writing to the vestry or board object thereto.*

107. Act not to authorize the Making any Thoroughfare without the Consent of the Proprietor of the Estate. Nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any bar, gate, rail, or other fence fixed for preventing any thoroughfare into or from any square, street, or way, without the consent of the proprietor of the estate or property upon which such bar, gate, rail, or other fence, square, street, or way shall be situate.

108. Vestries and District Boards may place Fences, etc., to Footways. It shall be lawful for every vestry and district board from time to time to place any posts, fences, and rails on the sides of any footways or carriageways in their parish or district, for the purposes of safety, and to prevent any carriage or cattle from going on the same, and also to place any posts or other erections in any carriageways so as to make the crossings thereof less dangerous for foot passengers, and also from time to time to

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repair and renew any such posts, rails, or fences, or to remove the same, or any other obstruction or encroachment on any carriageway or footway.

109. Notice to be given by Companies to Vestries and District Boards when Pavement, etc., is required to be taken up. No company or person shall break up or open the pavement, surface, or soil of any street, the paving whereof is under the control and management of the vestry or district board of any parish or district, for the purpose of making and laying down any main of pipes or for any other purpose whatsoever, except in cases of emergency arising from defects in pipes or other works, without having previously given three clear days notice in writing to such vestry or district board, stating in such notice the name of the street and the particular part thereof in which such pavement, surface, or soil is intended to be broken up or opened, the day on which the work is proposed to be commenced, and the time within which it will be completed; and in any such case of emergency as aforesaid such company or person shall, within twelve hours after they or he begin to break up or open such pavement, surface, or soil as aforesaid, give such notice as aforesaid to the said vestry or district board; and no such pavement, soil, or surface shall be broken up or opened for the purpose of laying down any new main of pipes for the conveyance of water during any part of the months of December, January, and February, without the consent of the said vestry or district board; and no gaslight company shall at any time break up or open any such pavement, surface, or soil for the purpose of laying down any new mains of pipes, without the consent in writing of the said vestry or district board; and every company or person offending against this enactment shall for every such offence forfeit a sum not exceeding five pounds, and shall, within twenty-four hours after notice in writing from the vestry or district board, cause such mains or pipes to be taken up and removed, and the pavement, surface, or soil to be reinstated and put into its former state: provided always, that any gaslight company may break up or open any such pavement, surface, or soil, for the purpose of laying down and attaching to mains and pipes already existing any new service pipes, on giving to the said vestry or district board, three days at the least before so doing, notice of their intention to break up or open such pavement, surface, or soil for such purpose.

110. Streets not to be Broken up, except under the Superintendence of Vestry or Board. Whenever it is necessary, from any cause whatever, for any company or person to break up or open the pavement, surface, or soil of any street, such street, and the pavement, surface, and soil thereof, shall be broken up and opened under the superintendence of the vestry or district board of the parish or district in which the same is situate, and in such manner, and as regards gas companies at such time, as they shall direct; and such company or person shall with all convenient speed complete the work on account of which the same is broken up or opened, and fill in the ground and make good the pavement or surface or soil so broken up or opened, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or surface or soil is so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the part of the pavement, surface, or soil so broken up or opened a sufficient light during every night that such pavement or surface or soil is continued open or broken up.

111. Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents. If any company or person authorized to break up or open any of the pavement or surface of any street, for the purpose of laying, altering, or repairing any gas, water, or other pipe, or other lawful cause, do not with due diligence cause the ground to be filled in, and the pavement to be reinstated, and the surface to be made good, in a proper and substantial manner, or do not in the meantime fence and guard the same, and affix and maintain lights during the night near to the places where any ground is open, so as to prevent any accident, every such company or other person so offending shall for every such offence forfeit a sum not exceeding five pounds, and also a further sum not exceeding forty shillings, for every day during which such offence continues; and no such pavement shall be considered to have been reinstated in a proper and substantial manner by any such company or other person unless the same have been reinstated with the

same or similar materials of the like quality and thickness, and cemented and bound together in the same or in an equally substantial manner, as those of which it was composed, in such manner as is satisfactory to the vestry or board.

112. Vestry or District Board to direct Pavements injured by Water or Gas Pipes to be repaired by Company. In case any part of the pavement of any street be sunk, broken, injured, or damaged, by reason of the breaking, bursting, or want of repair of any pipe belonging to any water, gas, or other company, it shall be lawful for the vestry or district board of the parish or district in which such pavement is situate, if they deem it expedient so to do, to cause notice to be given to the company to whom such pipe is supposed to belong forthwith well and sufficiently to repair and make good such pavement; and if the company to whom such notice is given do not, within forty-eight hours next after such notice, take up such pavement, and well and sufficiently repair and amend such pipe, and cause the ground to be well and sufficiently filled in and rammed down, and the said pavement to be re-laid and repaired, to the satisfaction of the vestry or district board, then such company so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

114. Power to Vestry or District Board to reinstate Pavement, and charge the Expenses to the Parties. Provided also, that whenever the permanent surface or soil of any street is broken up or opened, it shall be lawful for the vestry or district board of the parish or district in which the same is situate, in case they think it expedient so to do, to fill in the ground and to make good the pavement or surface or soil so broken up or opened, and to carry away the rubbish occasioned thereby, instead of permitting such work to be done by the company or person by whom such surface or soil is broken up or opened; and the expenses of filling in such ground and of making good the pavement or soil so broken up or opened shall be repaid, on demand, to the vestry or board by such company or person.

119. Owners, etc., to remove future Projections, on Notice from Vestry or District Board. If any porch, shed, projecting window, step, cellar door or window, or steps leading into any cellar or otherwise, lamp, lamp post, lamp iron, sign, sign post, sign iron, showboard, window shutter, wall, gate, fence, or opening, or any other projection or obstruction placed or made against or in front of any house or building after the commencement of this Act, shall be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street in their parish or district, it shall be lawful for the vestry or district board to give notice in writing to the owner or occupier of such house or building to remove such projection or obstruction, or to alter the same, in such manner as the vestry or board think fit; and such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection or obstruction, or alter the same in the manner directed by the vestry or board; and if the owner or occupier of any such house or building neglect or refuse, within fourteen days after such notice, to remove such projection or obstruction, or to alter the same, in the manner directed by the vestry or board, he shall forfeit any sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such projection or obstruction continues after the expiration of such fourteen days from the time when he may be convicted of any offence contrary to the provisions hereof.

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120. Vestry or District Board may remove existing Projections, and make Compensation for the same. It shall be lawful for every vestry and district board, if any projection or obstruction which has been placed or made against or in front of any house or building in any such street before the commencement of this Act shall be an annoyance as aforesaid, to cause the same to be removed or altered as they think fit: provided always, that the vestry or board shall give notice in writing of such intended removal or alteration to the owner or occupier against or in front of whose house or building such projection or obstruction shall be, seven days before such removal or alteration shall be commenced, and shall make reasonable compensation to every person who shall incur any loss or damage by such removal, excepting in cases where the

obstruction or projection may now be removable under any Act, in which case no compensation shall be made.

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121. Hoards to be erected during Repairs. Every person who shall build or begin to build, or to take down or begin to take down, any house, building, or wall, or alter or repair, or begin to alter or repair, the outward part of any house, building, or wall, shall, in all cases in which the footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient hoard or fence, with a convenient platform and handrail, if there be room enough for the same, to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, in such cases as aforesaid, with such platform and handrail, standing and in good condition, to the satisfaction of the vestry or district board of the parish or district in which such house, building, or wall is situate, during such time as may be necessary for the public safety or convenience, and shall, in all cases in which the same is necessary to prevent accidents, cause such hoard or fence to be well lighted during the night; and every such person who fails to put up such hoard or fence and such platform, with such handrail as aforesaid, or who does not, whilst the said hoard or fence is standing, keep the same well lighted during the night, shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such default.

122. No Hoard to be erected without Licence from Vestry or District Board. It shall not be lawful for any person to erect or set up in any street any hoard or fence or scaffold for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence in writing first had and obtained from the clerk or surveyor of the vestry or district board of the parish or district in which such street is situate; and every such licence shall state the place where and the purpose for which such hoard or fence, scaffold or inclosure, is to be set up or made, and the size thereof, and the time for which it is to be permitted to continue.

123. If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Vestry or District Board, the same may be removed. If any person erect or set up in any street any hoard or fence or scaffold for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence from the vestry or district board, or do any such act as aforesaid in any other manner than as permitted by such licence, or continue the same beyond the time stated in such licence, or fail to keep any hoard, fence, platform, or handrail in good repair, he shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such offence; and it shall be lawful for the vestry or board to cause such hoard, fence, scaffold, or inclosure to be pulled down, and the materials thereof, and also all the bricks, mortar, lime, or other building materials, or other matters or things contained within any such inclosure, to be removed, and deposited in such place as the vestry or board may think fit, and to be kept until the charges of pulling down and removing the same be paid to the vestry or board; and in case the same be not claimed and the said charges paid within the space of eight days next after such seizure thereof, it shall be lawful for the vestry or board to order the same to be sold, and by and out of the proceeds of such sale to pay such charges, rendering any surplus to the owner or other person by law entitled thereto; and in case the proceeds of such sale be insufficient to cover such charges, and the charges of selling and disposing of such materials, matters, and things, the deficiency shall be repaid by the owner of such materials, matters, and things to the vestry or district board, on demand.

124. Providing against Accidents in laying out new Streets, etc. Every person laying out or opening any new street, or building therein, shall, during the operation necessary for forming such new street, or for building therein, take all such precautions for guarding against injury to the passengers along such street as may be directed by the vestry or district board of the parish or district within which such

operations are being carried on ; and if any person fail to comply with the directions of such vestry or district board, within such time as may be limited by them, such vestry or district board may do whatever may be necessary for carrying the same into effect, and the expenses thereby incurred shall be repaid to such vestry or district board by the person laying out or opening such new street, or building therein, as aforesaid, and shall be recoverable by them from such person in manner provided by this Act.

130. Vestries and District Boards to cause Streets to be Lighted. Every vestry and district board shall cause the several streets within their parish or district to be well and sufficiently lighted, and for that purpose shall maintain, or set up and maintain, a sufficient number of lamps in every such street, and shall cause the same to be lighted with gas or otherwise, and to continue lighted at and during such times as such vestry or board may think fit, necessary, or proper ; and all public lamps, and the lamp posts and lamp irons and fittings thereof, to be provided by any vestry or district board, shall vest in such vestry or board.

DUTIES AND POWERS OF METROPOLITAN BOARD OF WORKS.

135. Main Sewers vested in the Metropolitan Board of Works, and Power to such Board to make Sewers. The sewers mentioned in Schedule (D) to this Act, being the main sewers now vested in the Commissioners of Sewers of the City of London and in the Metropolitan Commissioners of Sewers respectively, with the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works, and things thereunto belonging, and the materials thereof, with all rights of way and passage used and enjoyed by such commissioners respectively over and to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall be vested in the Metropolitan Board of Works, and such board shall make such sewers and works as they may think necessary for preventing all or any part of the sewage within the metropolis from flowing or passing into the river Thames in or near the metropolis, and shall cause such sewers and works to be completed on or before the thirty-first day of December one thousand eight hundred and sixty, and shall also make all such other sewers and works, and such diversions or alterations of any existing sewers or works vested in them under this Act, as they may from time to time think necessary for the effectual sewerage and drainage of the metropolis, and shall discontinue, close up, or destroy such sewers for the time being vested in them under this Act as they may deem unnecessary, and such board shall from time to time repair and maintain the sewers so vested in them, or such of them as may not be discontinued, closed up, or destroyed as aforesaid ; and for the purposes aforesaid such board shall have full power and authority to carry any such sewers or works through, across, or under any turnpike road, or any street or place laid out as or intended for a street, as well beyond as within the limits of the metropolis, or through or under any cellar or vault under the carriageway or pavement of any street, and into, through, or under any lands whatsoever within or beyond the said limits, making compensation for any damage done thereby as hereinafter provided, and all sewers and works from time to time made by the said board shall vest in them ; and the said board shall cause the sewers vested in them to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied, and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause the sewage and refuse from such sewers to be sold or disposed of as they may see fit, but so as not to create a nuisance, and the money arising thereby shall be applied towards defraying the expenses of such board.

137. Metropolitan Board may declare Sewers to be Main Sewers, and take under their Jurisdiction Sewerage Matters under Jurisdiction of Vestries and District Boards. In case it appear to the Metropolitan Board of Works that any sewers in the metropolis not herein-before vested in such board ought to be considered main sewers, and to be under their management, it shall be lawful for such board, by an order under

their seal, to declare the same to be main sewers, and thereupon the same shall vest in and be under the management of the said board: and it shall also be lawful for the said board by any such order to take under their jurisdiction and authority any other matters in relation to sewerage and to drainage with respect to which jurisdiction or authority is by this Act vested in any vestry or district board.

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138. Metropolitan Board to make Orders for Controlling Vestries and District Boards in Construction of Sewers, etc. The Metropolitan Board of Works shall from time to time, in order to secure the efficient maintenance of the main and general sewerage of the metropolis, make such general or special order as to them may seem proper for the guidance, direction, and control of the vestries of parishes and district boards in the levels, construction, alteration, and maintenance and cleansing of sewers in their respective parishes or districts, and for securing the proper connection and intercommunication of the sewers of the several parishes and districts and their communications with the main sewers vested in the said Metropolitan Board, and generally for the guidance, direction, and control of vestries and district boards in the exercise of their powers and duties in relation to sewerage; and all such orders shall be binding upon such vestries and boards.

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143. Buildings not to be brought beyond Line of Street. *No building shall, without the consent in writing of the Metropolitan Board of Works, be erected beyond the regular line of buildings in the street in which the same is situate, in case the distance of such line of buildings from the highway do not exceed thirty feet, or within thirty feet of the highway where the distance of the line of buildings therefrom amounts to or exceeds thirty feet, notwithstanding there being gardens or vacant spaces between the line of buildings and the highway; and in case any building be erected contrary to this enactment, it shall be lawful for the vestry or district board in whose parish or district such building is situate to cause the same to be demolished or set back (as the case may require), and to recover the expenses incurred by them from the owner of the premises in manner provided by this Act.*

AUXILIARY POWERS COMMON TO THE METROPOLITAN BOARD OF WORKS AND TO VESTRIES AND DISTRICT BOARDS.

151. Certain Provisions of 8 & 9 Vict. c. 18, incorporated with this Act. For the purpose of enabling the said Metropolitan Board, and every district board and vestry, to obtain any land, or any right or easement in or over any land, which they respectively may require for the purposes of this Act, "The Lands Clauses Consolidation Act, 1845," except the provisions of that Act with respect to the recovery of forfeitures, penalties, and costs, shall, subject to the provisions herein contained, be incorporated with this Act; and the provisions of the said Act so incorporated with this Act which would be applicable in the case of a purchase of any land shall be applicable in the case of the purchase of a right or easement in or over any land; and for the purposes of this Act the expression "the promoters of the undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the district board or vestry, acting under the provisions of the said Act and this Act, as the case may be.

152. Lands not to be taken compulsorily, except by Metropolitan Board with Consent of Secretary of State. Provided always, that the provisions of the said Lands Clauses Consolidation Act "with respect to the purchase and taking of lands otherwise than by agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take land, or any right or easement in or over land, for the purpose of making any sewers or works for preventing the sewage or any part of the sewage within the metropolis from passing into the Thames in or near the metropolis, or otherwise for the purpose of the sewerage or drainage of the metropolis; provided also, that no land, or right or easement in or over land, for the purposes aforesaid, shall be taken compulsorily by the said board, without the previous consent in writing of one of Her Majesty's principal Secretaries of State.

153. Previous Notice to be given. The Metropolitan Board of Works, before applying for the consent of the Secretary of State for taking land, or any right or easement in or over land, compulsorily, as aforesaid, shall publish, once at the least in each of four consecutive weeks, in one of the daily newspapers published in the metropolis, an advertisement describing the nature of the works in respect of which the land, right or easement, is proposed to be taken, naming a place where a plan of the proposed works is open for inspection at all reasonable hours, and stating the quantity of land or the particulars of the right or easement that they require for the purpose of such works, and shall serve a notice on the owners or reputed owners, lessees or reputed lessees, and occupiers of the land intended to be taken, or of the land in or over which such right or easement is intended to be taken, such service to be made four weeks previously to the application to such Secretary of State, and such notice shall state the particulars of the land, right, or easement so required, and that the Metropolitan Board are willing to treat for the purchase thereof, and as to the compensation to be made for the damage that may be sustained by reason of the proposed works.

154.¹ Power to dispose of Lands or Property not wanted. The Metropolitan Board of Works, and any district board or vestry, may sell and dispose of any land purchased by them under this Act, and any property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such sale of any land into effect such board may make and execute a conveyance of the land sold and disposed of as aforesaid unto the purchaser, or as he shall direct, and such conveyance shall be under the seal of the said board or vestry; and the word "grant" in such conveyance shall have the same operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same word in a conveyance of lands made by the promoters of the undertaking; and a receipt under the seal of the said board or vestry shall be a sufficient discharge to the purchaser of any such land or any other such property as aforesaid for the purchase-money in such receipt expressed to be received; and the money arising from such sale of any land purchased under this Act, and (except as herein-after otherwise provided) of any such property, shall be applied in aid of the rate out of which the expenses of the purchase of such land or providing such property have been or are authorized to be defrayed under this Act; and the money arising from the sale of any property vested in any such board or vestry under this Act, and which, before becoming so vested, was vested in any commissioners or other body, or in any officer of any commissioners or other body, or in any surveyor of highways, shall be applied in or towards the discharge of any debts or liabilities for the discharge whereof rates are by this Act authorized to be raised in the parish, or part, to the commissioners or other body for the management of the paving, lighting, or cleansing whereof such property may have belonged before the commencement of this Act, and, subject as aforesaid, shall be applied in aid of such rate to be raised under this Act in such parish or part as to the board or vestry disposing of such property may seem just; and any such board or vestry may let any land purchased by or vested in them under this Act, and which for the time being is not required for the purposes thereof, in such manner and on such terms as such board or vestry may see fit.

155. Owners of Land may on Sale Reserve a Right of Pre-emption. Provided always, that where any land or any right or easement in or over land is purchased by the said Metropolitan Board, or any district board or vestry, under this Act, it shall be lawful for the owners or parties entitled to sell or convey such land, right, or easement to reserve upon the sale thereof to such board or vestry in and by the conveyance such right of pre-emption to the person for the time being entitled to the land (if any) from which the land so purchased was severed, or in or over which such right or easement is granted, as is provided by sections 128, 129, and 130 of the said Lands Clauses Consolidation Act; but, except where such right of pre-emption is so reserved, there shall be no such right, notwithstanding the incorporation of the said Lands Clauses Consolidation Act with this Act.

¹ Provisions of section so far as they give power to a district board or vestry to sell land purchased by them under the Act are repealed by the London Government Act, 1899.

BYELAWS.

202. Power to Metropolitan Board of Works to make Byelaws. The Metropolitan Board of Works and every district board and vestry respectively may from time to time make, alter, and repeal byelaws for all or any of the purposes following; (that is to say), for regulating the business and proceedings at their meetings and of committees appointed by them, the appointment and removal of their officers and servants, and the duties, conduct, and remuneration of such officers and servants; and the said Metropolitan Board may also from time to time make, alter, and repeal byelaws for regulating
 524 *the plans, level, width, surface inclination, and the material of the pavement and roadway*
 693 *of new streets and roads, and the plans and level of sites for building, and for regulating*
 the dimensions, form, and mode of construction, and the keeping, cleansing, and
 451 *repairing, of the pipes, drains, and other means of communicating with sewers, and the*
traps and apparatus connected therewith; for the emptying, cleansing, closing, and filling
up of cesspools and privies; and for other works of cleansing, and of removing and dis-
 540 *posing of refuse, and for regulating the form of appeal and mode of proceeding thereon;*
 and generally for carrying into effect the purposes of this Act; and every such board and vestry may thereby impose such reasonable penalties as they think fit, not exceeding forty shillings, for each breach of such byelaws, and in case of a continuing offence a further penalty not exceeding twenty shillings for each day after notice of the offence from the board or vestry: provided always, that under every such byelaw it shall be lawful for the justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty: provided also, that no byelaws shall be repugnant to the laws of England or to the provisions of this Act; and that no byelaw shall be of any force or effect unless and until the same be submitted to and confirmed at a subsequent meeting of the board or vestry: provided also, that no penalty shall be imposed by any such byelaw unless the same be approved by one of Her Majesty's principal Secretaries of State.

203. Publication of Byelaws. All byelaws made and confirmed as aforesaid in pursuance of this Act shall be printed, and hung up in the principal office of the board or vestry, and be open to public inspection without payment, and copies thereof shall be delivered to any person applying for the same, on payment of such sum, not exceeding twopence, as the board or vestry shall direct; and such byelaws, when so published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same; and the production of a printed copy of such byelaws, authenticated by the seal of the board or vestry, shall be evidence of the existence, and of the due making, confirmation, and publication of such byelaws, in all prosecutions under the same, without adducing proof of such seal or of the fact of such confirmation or publication of such byelaws.

PROVISIONS FOR PROTECTION OF PROPERTY AND WORKS OF METROPOLITAN AND DISTRICT BOARDS AND VESTRIES, AND PREVENTING OBSTRUCTION IN EXECUTION OF WORKS.

27 } **204. Buildings not to be made over Sewers without Consent.** No building shall
 369 } be erected in, over, or under any sewer vested in the Metropolitan Board of Works, or in any vestry or district board, without their consent first obtained in writing, and if any building be erected contrary to this provision the Board or vestry in whom such sewer is vested may demolish the same, and the expenses incurred thereby shall be paid by the person erecting such building.

525 **205. Penalty on Persons Sweeping Dirt into Sewers.** No scavenger or other person shall sweep, rake, or place any soil, rubbish, or filth, or any other thing, into or in any sewer or drain, or over any grate communicating with any sewer or drain, or into any dock or inlet communicating with the mouth of any sewer or drain, or into which any sewer or drain may discharge its contents, or into the river Thames contiguous thereto; and every scavenger or other person who shall so offend shall for every such offence forfeit and pay any sum not exceeding five pounds.

APPEALS.

211. Power to appeal against Orders and Acts of Vestries and District Boards in relation to Construction of Works. Any person who deems himself aggrieved by any order of any vestry or district board in relation to the level of any building, or any order or act of any vestry or district board in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, drain, *water-closet, privy, ashpit, or cesspool*, may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the Metropolitan Board of Works against the same; and all such appeals shall stand referred to the committee appointed by such board for hearing appeals as herein provided: and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry or district board by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry or district board in relation to the matters aforesaid; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates. 36 236 365 451

212. Metropolitan Board to appoint a Committee for hearing Appeals. The Metropolitan Board of Works shall appoint a committee for the purpose of hearing all such appeals as may be made to the said board as aforesaid, which committee shall have power to hear and decide all such appeals; and the Metropolitan Board of Works shall from time to time fill up any vacancy in such committee; and the chairman of the said board shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said board, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of such committee may be exercised by any three of them; and any member of such committee may at any time resign his office.

MISCELLANEOUS CLAUSES.

215. Where two or more Persons are to do any Act or pay any Sum of Money, Vestry or District Board may apportion the same. Where, under the authority of this Act, two or more persons are or may be directed by any vestry or district board to do or join in doing any act, or to pay or join in paying any sum of money, costs, or expenses, or where any vestry or district board are authorized or think proper to permit two or more persons to join together in doing any act, or paying any sum of money, costs, or expenses, it shall be lawful for the vestry or district board to apportion the matter to be done, or the sum of money, costs, or expenses to be paid, between such persons, in such manner as the vestry or board consider just and reasonable. 214

216. Power to Vestries and District Boards to spread Repayment of Expenses over a Period not exceeding Twenty Years. In all cases where any vestry or district board is authorized to order any costs, charges, or expenses to be paid by private parties, it shall be lawful for such vestry or district board to order and accept payment of such costs, charges, expenses, together with interest thereon after a rate not exceeding five pounds for the hundred by the year, by instalments, within such period, not exceeding twenty years in each case, as they may determine, the amount thereof to be recoverable in the same manner as other expenses are to be recovered under this Act.

220. As to Service of Notices, etc. on Metropolitan and District Boards and Vestries. Any summons or notice, or any writ or other process at law or in equity, or any other matter or thing whatsoever, required to be served upon the Metropolitan

Board of Works or any district board or vestry, may, unless herein otherwise provided, lawfully be served by delivering the same personally to the clerk of such respective board or vestry, or by leaving the same at the principal office of such board or vestry.

221. As to Service of Notices on Owners and Occupiers and other Persons. All notices by this Act required to be given to the owner or occupier of any land or premises, or other person, may be served personally on such owner, occupier, or person, or left with some inmate of his place of abode, and any notice required to be given to any such owner or occupier may, if there be no occupier, be affixed to some conspicuous part of the land or premises, and it shall not be necessary in any notice to any owner or occupier of any land or premises to name such owner or occupier: provided always, that where there is no occupier, and the owner of any such land or premises, and his place of abode or that of his agent is known to the vestry or board by or on behalf of whom such notice is given, or any of their officers, such notice shall be served on such owner personally, or left with some inmate of his place of abode, or transmitted to such owner through the Post Office, addressed to him at his place of abode or last known place of abode in the United Kingdom, or served on his agent as aforesaid.

222. Authentication of Documents. Every notice, demand, or like document given by or on behalf of the Metropolitan Board of Works, or any vestry or district board, under this Act, may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same is given.

225. Compensation, Damage and Expenses, how to be ascertained and recovered. In every case where the amount of any damage, costs, or expenses is by this Act directed to be ascertained or recovered in a summary manner, or the amount of any damage, costs, or expenses is by this Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined by and shall be recovered before two justices; and the amount of any compensation to be made under this Act by the said Metropolitan Board, or any vestry or district board, shall, unless herein otherwise provided, be settled, in case of dispute, by and shall be recovered before two justices, unless the amount of compensation claimed exceed fifty pounds, in which case the amount thereof shall be settled by arbitration, according to the provisions contained in the Lands Clauses Consolidation Act, 1845, which are applicable where questions of disputed compensation are authorized or required to be settled by arbitration.

226. Method of proceeding before Justices in Questions of Damages, etc. Where the amount of any compensation, or of any damages, costs, or expenses, is to be determined by or to be recovered before two justices, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before two justices, at a time and place to be named in such summons; and upon the appearance of such parties, or, in the absence of either of them, upon proof of due service of the summons, it shall be lawful for such two justices to hear and determine the matter, and for that purpose to examine such parties, or any of them, and their witnesses, on oath, and make such order, as well as to costs as otherwise, as to them may seem just.

227. Penalties, etc. to be recovered as provided by 11 & 12 Vict. c. 43. Every penalty or forfeiture imposed by this Act, or by any byelaw made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before any justice in manner provided by the Act of the session holden in the eleventh and twelfth years of Her Majesty, chapter forty-three, "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders."

228. Damages to be made good in addition to Penalty. If, through any act, neglect, or default on account whereof any person has incurred any penalty imposed by this Act, any damage to the property of the said Metropolitan Board, or any vestry

or district board, has been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage, in case of dispute, shall be determined by the justices by whom the party incurring such penalty is convicted, and the payment of the amount of such damage may be enforced in all respects as such penalty.

230. Proceedings not to be quashed for Want of Form. No act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior Courts, except as herein specially provided.

231 (part of). Parties allowed to appeal to Quarter Sessions, on giving Security. If any person feel aggrieved by any adjudication or determination of any justice or justices with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal to the general or quarter sessions. . . .

238. Special Provision as to Parish of Woolwich. *Notwithstanding anything in this Act contained to the contrary, the provisions of this Act shall extend and apply to the parish of Woolwich only to the extent and in manner herein-after mentioned; (that is to say,)* 2 535

A member of the Metropolitan Board of Works shall be from time to time elected by the Local Board of Health of Woolwich at a meeting of such Board, as by this Act directed with respect to the vestry of each of the parishes mentioned in the said Schedule (A):

The said Metropolitan Board shall have and perform, within and in relation to the said parish, all the powers and duties vested in them under this Act, in like manner as within and in relation to other parishes mentioned in the said Schedule (A.), save that the said Local Board shall be subject to all orders of the said Metropolitan Board in relation to sewerage and otherwise, and to all precepts requiring payment of money, in all respects as the vestries of other parishes in the said Schedule (A.) are subject to the same, in lieu of the vestry of the said parish; and all sums required to be paid by such precepts shall be defrayed out of any moneys carried to the district fund account, or by means of a general district rate to be levied on the whole of the parish of Woolwich, or such part thereof as may be specified in the precept of the said Metropolitan Board.

241. Saving of the Rights of the Commissioners of Works. Nothing in this Act shall divest the Commissioners for the time being of Her Majesty's Works and Public Buildings of any power or property now or which for the time being may be vested in them; and nothing in this Act shall extend to authorize or empower any vestry or district board to exercise any power or control whatsoever in or over any of the royal or public parks, gardens, or pleasure grounds, the management whereof is now or may be for the time being vested in such commissioners; and nothing in this Act shall abridge, alter, or affect any right, power, exemption, or remedy of the Queen's most Excellent Majesty, her heirs or successors, or the said commissioners, in, over, or in relation to the possessions of the Crown or of the public.

INTERPRETATION AND COMMENCEMENT OF ACT.

250. Interpretation of Terms: "The Metropolis," etc. In the construction of this Act "the metropolis" shall be deemed to include the City of London, and the parishes and places mentioned in the Schedules (A), (B), and (C), to this Act; "the City of London" shall be deemed to include all parts now within the jurisdiction of the Commissioners of Sewers for the City of London; and the word "parish" shall include any place mentioned in Schedule (A) to this Act, and any place or combination of places mentioned in Schedule (B) to this Act, for which one or more member or members is or are to be elected to any district fund account; the expression "the overseers of the poor" shall include any persons authorized to make and collect or cause to be collected the rate for the relief of the poor in any parish; any expression referring to any rate or rates raised under this Act by the Metropolitan Board of Works or any vestry or district board shall mean the sums and rates authorized to be raised by the said Metropolitan Board and the sums authorized to be raised by any vestry and

- 12 district board respectively; the word "owner" shall (except for the purpose of the provision of this Act requiring notice to be served on owners or reputed owners of land, before application to one of Her Majesty's principal Secretaries of State for his consent to exercise powers of taking land, or any right or easement in or over land, compulsorily,) mean the person for the time being receiving the rackrent of the lands or premises in connection with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent; the word "street" shall apply to and
- 374 include any highway (*except the carriageway of any turnpike road*),¹ and any road, bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, bridge, lane, footway,
- 374 square, court, alley, or passage; the word "drain" shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board; and the word "sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain," interpreted as aforesaid, applies; and the word "*ashpit*" shall include "*dustbin*."²

251. Commencement of Act. This Act shall commence and come into operation, save as herein otherwise provided, on the first day of January one thousand eight hundred and fifty-six.

SCHEDULES (A) & (B).

(These Schedules contain lists of the parishes and districts which, with the addition of the Inns of Court outside the City, and with a few minor modifications, constitute the present metropolitan boroughs.)

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SCHEDULE (C).

The Close of the Collegiate Church of St. Peter.	Lincoln's Inn.
The Charter House.	Gray's Inn.
Inner Temple.	Staple Inn.
Middle Temple.	Furnival's Inn.

SCHEDULE (D).

MAIN SEWERS OF THE METROPOLIS.

NORTH SIDE OF THE THAMES.

STAMFORD BROOK (WEST BRANCH).

Commences at an angle in the boundary between the parishes of Hammersmith and Acton, on the south of the Uxbridge and London Road, and tangent to a footpath running south from East Acton Lane, extending thence in a south-easterly direction to Paddenswick Green, when it joins the east arm of the said Brook.

STAMFORD BROOK (EAST BRANCH).

Commences at a point on the boundary between the parishes of Hammersmith, Willesden, and Acton, about 100 feet north-east of the old oak bridge over the North-Western Railway, extending thence in a southerly direction to Paddenswick Green.

¹ Repealed by the Statute Law Revision Act, 1898.

² Repealed by the Statute Law Revision Act, 1893.

The united streams of the above two branches discharge into Hammersmith Creek.

BROOK GREEN SEWER.

Commences in Wood Lane, at the keeper's lodge, on the south side of Wormwood Scrubs, and discharges into the River Thames by two outlets, viz., Bridge Road and Queen Street, on the east side of Hammersmith Suspension Bridge.

A branch from the above commences in New Road, at the north end of the Grove, and joins the main sewer at Broadway Hammersmith.

FULHAM SEWER.

Commences at a sluice in the moat surrounding the Bishop of London's Palace, on the west side of the junction of High Street, Fulham, with the Fulham Road, and discharges into the Thames under the Toll House of Fulham Bridge.

EEL BROOK SEWER.

Commences at a point in North End Road, about 80 feet north-west of Walham Green Church, and discharges into Kensington Canal on the south-east side of the Imperial Gasworks.

COUNTERS CREEK SEWER (MAIN LINE).

Commences at a point in the Harrow Road, about 200 feet west of Kensal Green Cemetery Gate, and discharges into the Thames at the outlet now forming on the south-west side of Cremorne Gardens.

COUNTERS CREEK SEWER (WEST BRANCH).

Commences at a culvert under the Grand Junction Canal, on the boundary between the parishes of Kensington and Hammersmith, at the south-west corner of Kensal Green Cemetery, and joins the above main line in Latimer Road at its junction with Bromley Road.

COUNTERS CREEK SEWER (EAST BRANCH).

Drains the whole of Kensal New Town, situate in a detached portion of the parish of St. Luke Chelsea, and part of the parish of St. Mary Paddington, and passes under the Great Western Railway at a bridge leading to Portobello Lane, on the south-east side of the Western Gasworks, and joins the main sewer at a point about a quarter of a mile north-west of Notting Barn Farm.

COUNTERS CREEK SEWER (KENSINGTON BRANCH).

Commences in Victoria Grove at about 50 feet to the north of Uxbridge Road, and joins the main line at the junction of Pembroke and Warwick Roads.

SEWER TO THE METROPOLITAN SEWAGE MANURE WORKS.

Commences at Knightsbridge at its junction with the Ranelagh sewer, and extends thence in a south-westerly direction to the Works at Stanley Bridge.

MILLMAN'S ROW SEWER.

Commences in Fulham Road, at about 780 feet west, and at about 230 feet east of the junction of Park Walk with Fulham Road, and discharges into the River Thames opposite to Millman's Row.

CHURCH STREET SEWER.

Commences in Gloucester Road at its junction with Canning Place, at about 750 feet south of Hogmore Lane Gate, and discharges into the Thames on the south side of Chelsea Old Church.

QUEEN STREET SEWER.

Commences between Gloucester Road and Hyde Park Gate South, on the south of Kensington Road, and about 300 feet south of Kensington Gate runs through Old Brompton, and discharges into the River Thames on the east side of Chelsea Free Dock.

SMITH STREET SEWER.

Commences in the Kensington Road at a point about 750 feet west of Prince of Wales Gate, and extends thence by Rutland Gate, Rutland Street, and Fulham Road, on the west of Brompton Crescent, and along College and Markham Streets, and discharges into the Thames on the west side of Chelsea Royal Hospital.

RANELAGH SEWER.

The branch sewers from Edgware Road, Finchley Road, and Kilburn Vale unite at Kilburn Bridge, and for the main line, which, running in a southerly direction, discharges into the River Thames on the south-east side of Chelsea Royal Hospital.

This sewer has several branches, the chief of which commences in Grove End Road, at about 900 feet west of St. John's Wood Road, extending thence by Lisson Grove, New Road, Grand Junction Road, and Albion Street, to a tumbling bay, where it joins the main sewer in Uxbridge Road.

KING'S SCHOLARS POND SEWER.

Commences in the Finchley Road, at about 1,500 feet above Junction Road Toll Gate, and discharges into the River Thames at the Equitable Gasworks, about 700 feet above Vauxhall Bridge.

KING'S SCHOLARS POND SEWER (PALL MALL BRANCH).

Commences at Waterloo Place, and joins the main line opposite the entrance of Buckingham Palace.

GROSVENOR DITCH.

Commences in Page Street, at about 150 feet east of the junction with Regent Street, Vauxhall Bridge Road, and discharges into the River Thames at the northern extremity of Millbank Road.

HORSEFERRY ROAD SEWER.

Commences in Grey Coat Place, and discharges into the River Thames at the Horseferry Stairs.

WOOD STREET SEWER.

Commences in Grey Coat Place, and discharges into the River Thames in the prolongation of Wood Street.

VICTORIA STREET SEWER.

Commences at Shaftesbury Terrace, Pimlico, and discharges into the Thames at Percy Wharf.

REGENT STREET SEWER (WESTERN BRANCH).

Commences in the outer circle of the Regent's Park at about 200 feet north-west of Hanover Gate entrance, and joins the eastern branch in the New Road, opposite to the prolongation of Portland Place.

REGENT STREET SEWER (EASTERN BRANCH).

Commences in Upper Albany Street, at about 200 feet south of collateral cut bridge over the Regent's Canal, and joins the western branch at the aforesaid point in the New Road.

The main sewer proceeds thence along Regent Street, and discharges into the River Thames at Percy Wharf.

NORTHUMBERLAND STREET SEWER (WESTERN BRANCH).

Commences in Warren Street, on the north of Fitzroy Square, and proceeds in a southerly direction along Cleveland, Newman, Wardour, Princes, and Panton Streets, Haymarket, to Charing Cross, opposite the District Post Office.

NORTHUMBERLAND STREET SEWER (EASTERN BRANCH).

Commences in New Road, at about 170 feet west of the junction with Hampstead Road, and proceeds along Tottenham Court Road, High Street, Seven Dials, and St. Martin's Lane, to Charing Cross, when it joins the western branch.

The main line proceeds along Northumberland Street, and discharges into the Thames at Northumberland Wharf.

SAVOY STREET SEWER.

Commences in Stanhope Street, Regent's Park Basin, at a point at about 160 feet north of the junction with Edward Street, and proceeds along Robert, George, Gower, Charlotte, Bloomsbury, Endell, Bow, Wellington, and Savoy Streets, and discharges into the Thames at a point about 100 feet above Waterloo Bridge.

NORFOLK STREET SEWER.

Commences at the junction of Drury Lane and Long Acre, and passes by the Olympic Theatre, and along Newcastle Street and Strand, and discharges into the River Thames opposite Norfolk Street.

ESSEX STREET SEWER (WESTERN BRANCH).

Commences in Russell Square, opposite Montague Place, and proceeds along Montague, Russell, and Museum Streets, Drury Lane, Great Wild Street, and Vere Street, to the junction of the eastern branch at the intersection of Sheffield and Gilbert Streets, Clare Market.

ESSEX STREET SEWER (EASTERN BRANCH).

Commences at the corner of Tottenham Court Road, and proceeds along New Oxford Street, Newton Street, and Cross Lane, Parker and Great Queen Streets, west side of Lincoln's Inn Fields, to the junction with the western arm above described.

The main sewer proceeds thence along Gilbert Street, Clement's Lane, Pickett Street, and Essex Street, and discharges into the River Thames at Temple Pier.

FLEET SEWER.

Commences in High Street, Hampstead, at the junction of High Street with Flask Walk, extending thence through South End Green, Gordon House Lane, Victoria Road, Great College Street, Old St. Pancras Road, Bagnigge Wells Road, west of Middlesex House of Correction, and by Farringdon Street to Blackfriars Bridge, where it discharges into the River Thames.

This sewer has numerous tributaries running into other districts, the chief of which are Camden Road, Caledonian Road, Pentonville Hill, River Street, St. John's Road, Holborn Hill, and Guildford Street.

GOSWELL STREET SEWER.

Commences in Sydney Street, at the junction of Sydney Grove, and discharges into the Thames at Walbrook.

LONDON BRIDGE SEWER (CITY ROAD BRANCH).

Commences at Duncan Terrace, on the west side of the New River, and joins the main line at the north end of Finsbury Pavement.

Another branch commences in Lonsdale Square, Islington, and, extending thence through Barnsbury Street, Richmond Grove, passes under the New River at New North Road Bridge, thence along Portland Place, King Street, under the Regent's Canal, by Sturt's Lock, Walbrook Street, and Critchill Place, where it joins another branch at St. John's Church, Hoxton.

LONDON BRIDGE SEWER (BALLS POND BRANCH).

Commences on the boundary between St. Mary Islington and St. John Hackney, at Cock and Castle Lane, Dalston, and passes by Balls Pond and Rosemary Branch Bridge to the junction at St. John's Church, above described. The united sewers then discharge into the River Thames at London Bridge.

LONDON BRIDGE SEWER (SHOREDITCH BRANCH).

Commences in Queen's Road, at the junction with Laurel Street, Dalston, and extending thence along Queen's Road, Great Cambridge Street, Hackney Road, Shoreditch, and Bishopsgate, joins the main line at King William's Statue.

IRONGATE SEWER.

Commences in the City, and proceeds along the south-west side of Houndsditch, west side of Minories, and by the precincts of Old Tower Without, and discharges into the River Thames at Irongate Stairs, on the east of the Tower.

NIGHTINGALE LANE SEWER.

Commences in Union Street, Old Artillery Ground, and Booth Street, Spitalfields, and extends thence along Commercial, Leonard, Wells, and Parson Streets, and Nightingale Lane, and discharges into the Thames on the western side of the entrance into Hermitage Basin.

HERMITAGE STREET SEWER.

Commences in Redmead Lane, on the boundary between the parishes of St. John Wapping and St. George in the East, and extends thence along Great Hermitage Street, and discharges into the River Thames at about 50 feet east of Union Stairs.

OLD GRAVEL LANE SEWER.

Commences at the boundary between the parishes of St. George in the East and St. John Wapping, in Old Gravel Lane, and discharges into the River Thames at a point about 110 feet west of the Thames Tunnel.

WAPPING WALL SEWER.

Commences in Green Bank, at the junction of Upper Well Alley, and passes through King Street, and discharges into the River Thames at about 120 feet on the north-east side of New Crane Dock.

SHADWELL BASIN SEWER.

Commences on the north side of the Eastern Dock, at the termination of West Gardens, and extends thence between the warehouses and New Gravel Lane, on the north side of Shadwell Basin, and along Shadwell Dock Street, and discharges into the River Thames at the Eastern Pier of the Shadwell entrance to the London Docks.

PENNINGTON STREET SEWER.

Commences at the boundary between the parishes of St. George in the East and St. John Wapping, in St. George Street, and extends thence along Pennington Street, Old Gravel Lane, West Gardens, Cow Lane, Little Spring Street, Labour-in-Vain Street, and Lower Shadwell, and discharges into the River Thames at Shadwell Dock Stairs.

RATCLIFFE HIGHWAY SEWER (WESTERN BRANCH).

Commences at the junction of Sherwood Place with Meed Street, at about 900 feet south-east of Shoreditch Church, and extends along Turville, Thomas, and High Streets, and Whitechapel Road, to the junction of New Road with Whitechapel Road.

RATCLIFFE HIGHWAY SEWER (EASTERN BRANCH).

Commences at the junction of Hague Street with Bethnal Green Road, and extends along Hague Street, Wellington and Charles Streets, to the junction of New Road with Whitechapel Road, above described.

RATCLIFFE HIGHWAY SEWER (NORTH-EASTERN BRANCH).

Commences from the rear of Shoreditch Church, and proceeds along Old Castle Street, Virginia Row, Wellington Row, Old Bethnal Green Road, Cambridge Road, Cleveland Street, King Street, Jamaica Street, Havering Street, and Love Lane, to Ratcliffe Highway.

The main sewer proceeds along New Road, Cannon Street Road, St. George's Street, High Street, Shadwell, and Broad Street, and discharges into the River Thames at Ratcliffe Cross Stairs.

LIMEKILN DOCK SEWER.

Commences at the junction of Victoria Road with Bishop's Road, on the south-western side of Bonner's Hall Bridge, leading into Victoria Park, and extends along Victoria Road, east side of Bethnal Green, Globe Road, White Horse Lane, and Rhodeswell Road, and passes under the Regent's Canal at Rhodeswell Wharf thence along the Black Ditch, Upper North Street, and North Street, and discharges into the River Thames at Limekiln Dock.

GREAT SLUICE AND DRUNKEN DOCK SLUICE.

These sluices are situated on the eastern side of the Isle of Dogs, and drain the whole of that part of the Isle south of the West India Dock Basin. They have four inlet sluices for purposes of flushing.

BLACKWALL SLUICE.

Commences at Batson's Inlet, near Limehouse entrance to the West India Dock, and discharges into the Thames on the north side of the Blackwall entrance to the West India Dock.

EASTERN COUNTIES RAILWAY SEWER.

Commences at Mile End Bridge, over the Regent's Canal in Bow Road, proceeds along Bow Road, Tredegar Square, and by the railway, and discharges into the River Lea, where the viaduct of the said railway crosses that river.

HACKNEY BROOK SEWER (MAIN LINE).

Commences in the High Road opposite to St. John's Church, Upper Holloway, and extends thence in a south-east direction along Holloway Road to a point about 450 feet south of Tollington Road, thence in an easterly direction by the north of Abney Park Cemetery, Hackney Downs, and Hackney Wick, and discharges into the River Lea, immediately to the north of Old Ford Wharf.

HACKNEY BROOK SEWER (WICK LANE BRANCH).

Commences in Old Ford Road, on the east side of Old Ford Bridge, crossing the Regent's Canal, and extends along Grove Road, Wick Lane, and joins the main sewer at Hackney Wick.

SOUTH SIDE OF THE THAMES.

BEVERLEY BROOK.

Commences on the boundary between the parishes of Putney and Wimbledon, at a point about 1,800 feet south of Beverley Bridge, on the Kingston Road, and discharges into the River Thames about half a mile above Putney Town.

SEWER BETWEEN PARISHES OF PUTNEY AND WANDSWORTH.

Commences on the road from Kingston to Wandsworth, and discharges into the River Thames at a point about 1,500 feet below Fulham Bridge.

WANDLE RIVER.

Commences at a point where the parishes of Streatham and Tooting intersect the river, and discharges into the River Thames at the town of Wandsworth.

FALCON BROOK.

Commences at Tooting Common, and discharges into the River Thames at Battersea Creek.

LORD SPENCER'S SEWER.

Commences in the town of Battersea, and extends in an easterly direction through Battersea Park, and discharges into the River Thames at about 400 feet below Battersea New Bridge.

HEATH WALL SEWER (MAIN LINE).

Commences at the Falcon Brook at a sluice about 300 feet north of the South-Western Railway, and extending along the south margin of Battersea Fields, discharges into the Thames at Heath Wall Mill.

HEATH WALL SEWER (CLAPHAM RISE BRANCH).

Commences on the boundary between the parishes of Clapham and Lambeth at the intersection of New Road with Clapham Rise, and extends along the east side of Clifton Street, and joins the main sewer at a point about 100 feet north-east of New Road, Battersea Fields.

EFFRA SEWER.

Commences at the boundary between the parishes of St. Mary Lambeth and Croydon, in Westow Hill Road, immediately opposite to the Convent of "Our Lady," and discharges into the River Thames at Vauxhall Creek, on the south side of the Phoenix Gasworks, and near to Vauxhall Bridge.

EFFRA SEWER (UPPER NORWOOD BRANCH).

Commences in Westow Hill Road on the boundary between the parishes of Lambeth and Croydon, at about 200 feet west of the Crystal Palace Hotel, and proceeds northward along the boundary between the parishes of St. Mary Lambeth and St. Giles Camberwell, and joins the main sewer at a point about 230 feet west of Croxted Lane.

DUFFIELD AND BATTLE BRIDGE SEWERS.

These sewers drain the most densely inhabited portions of the south side. The inlets for flushing purposes are at Kennington, Vauxhall, Lambeth Church, and Stangate. The outlets are by the following sluices, viz., the Arnold and Dover sluices, near Waterloo Bridge; Pudding Mill, near Blackfriars Bridge; the Boar's Head, Welsh Troopers, Black Lion, and Bear sluices, near Southwark Bridge; the Bridge Yard, Battle Bridge; and Green Bank, in St. Olave Southwark; Freeman's Lane, St. John Jerusalem; and Great St. John in Horsleydown; and the Salisbury and Duffield sluices, in Bermondsey.

LIMEKILN SLUICE.

Drains the open fields of part of the parish of Rotherhithe, and proceeds along Swan Lane, and discharges into the River Thames at about 300 feet east of the Thames Tunnel.

GLOBE STAIRS SEWER.

Drains the northern basin of the Commercial Dock Company, and extends along the eastern side of St. Paul's Church, Rotherhithe, and part of Rotherhithe Street, and discharges into the River Thames at Globe Stairs.

SEWER AT DURAND'S WHARF (ROTHERHITHE).

Commences to the south-east of Bull Head Dock, Rotherhithe, and pursues an easterly course by Rotherhithe and Lower Queen Street, and discharges into the River Thames at a "10 footway," opposite to Cow Lane.

ROTHERHITHE PIER SEWER.

Commences in Trinity Street, at a point about 400 feet south of Cow Lane, and proceeds along Trinity Street, and discharges into the River Thames at Rotherhithe boat pier.

EARL SEWER (MAIN LINE).

Commences in Cold Harbour Lane, at a point about 1,100 feet north-east of its junction with Loughborough Road, and proceeds along High Street, Camberwell, Camberwell Road, Boundary Lane, and eastward along the boundaries of several parishes, and discharges into the River Thames on the boundary between the counties of Surrey and Kent, near to the Royal Dock Yard, Deptford.

EARL SEWER (WYNDHAM ROAD BRANCH).

Commences on the east side of Kennington Park, and proceeds along New Row, and southward on the east of Thomas Street, eastward along Wyndham Road, and joins the main sewer at a point about 100 feet south of Southampton Street, Camberwell.

EARL SEWER (WHITE POST LANE BRANCH).

Commences in Victoria Road, at the junction with Choumert Place and Cutthroat Lane, near Peckham Rye, and proceeds along Victoria Road, Hanover Street, Rye Lane, High Street, Meetinghouse Lane, Halfway House Lane, and White Post Lane, and joins the main sewer at the junction of the parishes of Rotherhithe, St. Paul's Deptford, and St. Giles Camberwell.

ROYAL DOCK YARD SEWER.

Commences on the east of Black Horse Bridge, and extends eastward on the south side of the Mast Pond, and discharges into the River Thames opposite to the Royal Victualling Yard.

RAVENSBOURNE AND SYDENHAM SEWER.

Commences at Bell Green, and extends along and by Catsford Hill Road, Lewisham, and Bromley Road, Silver Street, Loam Pit Vale, and Mill Lane, and discharges into Deptford Creek at Parish Wharf, near Kingsford Mill.

RAVENSBOURNE AND LEE GREEN SEWER.

Commences in the Eltham Road, about 300 feet east of Lee Green, and proceeds along Lee Road, Lewisham Road, Bath Place, Egerton Road, and North Pole Lane, to a pumping station, where it discharges into Deptford Creek, at a point about 400 feet north of the London and Greenwich Railway.

HORSEFERRY ROAD (GREENWICH).

Commences in Caroline Street and Roan Street, and proceeds along Union and Bridge Streets, and discharges into the River Thames at Horseferry.

METROPOLIS MANAGEMENT AMENDMENT ACT, 1862.

(25 & 26 VICT. c. 102.)

(*Extracts.*)

27. As to trapping of Gullies connected with Main Sewers. No gully or ventilating shaft immediately connected with or appertaining to, or which hereafter may be immediately connected with or appertain to, any sewer vested in the

Metropolitan Board of Works, shall be trapped, covered, or closed up without previous notice in writing being given to the said board, nor if the said board or their engineer within one week after the giving of such notice shall express in writing their or his objection to the same.

29. Orders to be made by Committee on Appeals against Acts of Vestries and District Boards. Under the provisions of the two hundred and eleventh and two hundred and twelfth sections of the firstly recited Act,¹ empowering the committee of appeal of the Metropolitan Board of Works to hear and determine an appeal against any order or act of any vestry or district board, the said committee may allow or dismiss the appeal, or quash or confirm or vary the order appealed against. 353

44. Owners and Occupiers of Land may execute Works of Drainage at their own Expense. It shall be lawful for the owners or occupiers of any land or premises in any parish, district, or part within the limits of the metropolis as defined by the firstly-recited Act, with the consent and subject to the regulations and conditions herein-after mentioned, to construct sewers at their own expense for the purpose of draining such land or premises ; and it shall be lawful for any vestry or district board in whom the sewers in any parish, district, or part are vested, if they shall deem it just and proper so to do, to contribute out of the rates under their control applicable to the execution of works of sewerage to their costs of any sewers constructed for the purpose aforesaid.

45. Vestries, etc. to submit Plans of new Sewers to Metropolitan Board. Any vestry or district board intending to construct any sewer shall, before commencing any works for that purpose, submit to the Metropolitan Board of Works a plan of the street or place in which it is proposed to construct such sewer, drawn to such a convenient scale or scales as the said Metropolitan Board shall direct, and there shall be shown on such plan the position, course, and dimensions of the proposed sewer, with a section or sections thereof, and such other particulars in relation thereto as the said Metropolitan Board shall deem necessary and require, and no such sewer or works shall be proceeded with without the approval in writing or contrary to the directions of the said Board. { 25 420

46. Communications with Main Sewers. Three clear days' notice in writing shall be given to the Metropolitan Board of Works by any vestry or district board previously to the connexion of any sewer or drain with a main sewer ; and the necessary junction or communication for that purpose shall be made by such vestry or district board to the satisfaction of the said Metropolitan Board.

47. Private Parties before branching Sewers into Main or District Sewers to apply for Sanction of Vestries, etc. Every person other than a vestry or district board intending to make or branch a sewer, either into a sewer vested in the Metropolitan Board of Works, or into a sewer vested in any vestry or district board, shall in the first instance lay the plan and section thereof before, and apply for the sanction of, the vestry or district board of the parish, district, or part in which such last-mentioned sewers shall be situate ; and no sewer shall be begun to be made by such person until the sanction in writing of such vestry or district board shall have been obtained. { 25 690

48. Vestries, etc. before sanctioning Sewers, to apply for Approval of Metropolitan Board. Before any vestry or district board shall sanction the construction of any such sewer they shall submit the plan and section thereof to the Metropolitan Board of Works for their approval, in the same manner as if such sewer were proposed to be constructed by such vestry or district board ; and no vestry or district board shall sanction the construction of any such sewer without the approval in writing of the said Metropolitan Board first had and obtained. 26

49. Seven Days' Notice must be given before Drains can be branched into Main Sewers. All persons intending to make or branch any drain into a sewer vested in the Metropolitan Board of Works shall, seven clear days before commencing any works for that purpose, make written application to the vestry or board of the parish, district, or part in which such sewer shall be situate, accompanied by a plan showing such

¹ The Metropolis Management Act, 1855.

particulars as may be required by any byelaw or resolution of the said Metropolitan Board; and no such work shall be commenced until the sanction in writing of the said vestry or district board shall have been given.

50. Regulations as to Abandonment, Alteration, etc. of Design for Sewers previously approved. When it shall be desired to abandon either wholly or in part, or to extend, contract, or alter, any design for a sewer previously submitted to and approved by the Metropolitan Board of Works, notice in writing of such desire shall be given by the vestry or district board by whom such approval shall have been obtained to the said Metropolitan Board, accompanied by plans and sections showing the nature of the abandonment, extension, contraction, or alteration desired; and no such abandonment, extension, contraction, or alteration shall be made without the previous approval in writing of the said Metropolitan Board; and no person other than a vestry or district board shall abandon wholly or in part, or extend, contract, or alter in construction, any sewer approved or sanctioned by the Metropolitan Board of Works, without the previous sanction in writing of the vestry or district board in whose parish or district the works were intended to be executed, to be applied for and given in the same manner as herein-before directed with respect to new sewers.

51. In case Sewer be not constructed within twelve Months, fresh Application to be made. In case any sewer sanctioned and approved by the Metropolitan Board of Works as herein-before provided shall not be constructed or executed within twelve calendar months from the date of such sanction or approval, the works for the construction of such sewer shall not be executed without a fresh permission by the Metropolitan Board, and their written sanction that the necessary works for the construction of such sewer may proceed, to be applied for and obtained in manner herein-before provided with respect to the original permission for the construction of such sewer.

26 **52. Expense of constructing Sewers in new Streets and Streets laid out since 1st January, 1856.** Where any sewer shall, after the passing of this Act, be constructed by any vestry or district board in or for the drainage of any new street, or of any house or houses erected since the first day of January One thousand eight hundred and fifty-six, the expense of constructing such sewer and the works appertaining thereto, including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses, shall be borne and defrayed by the owners of such street or houses and of the land bounding or abutting on such street respectively, and the said expenses shall be apportioned by the vestry or district board in such proportions as they may deem just, and the amount charged upon or payable in respect of each house or premises shall be payable before the works shall be commenced, during their progress, or after their completion, as the vestry or district board shall in each case determine, either in one sum or by instalments, within such period, not exceeding twenty years, as the vestry or district board shall direct; and any such sum or instalments shall be recoverable from the present or any future owner of the said house or premises either by action at law or in a summary manner before a justice of the peace, at the option of the vestry or board.

53. Expense of constructing Sewers where there had before been only open Sewers. Where any sewer shall be constructed by any vestry or district board in a street in which previously to such construction there had been no sewer, or only an open sewer, but where sewers rates have been levied previously to such construction, the expense of constructing such sewer and the works appertaining thereto, including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses, shall be borne and defrayed in part only by the owners of the houses situate in and of the land bounding and abutting on such street respectively; and the amount to be borne by such owners shall be determined by the vestry or district board in each particular case, and the residue of such expenses shall be defrayed by the vestry or district board out of the sewers rates levied in their parish or district; and the amount so charged by the vestry or district board upon or in respect of each house or premises shall be payable, either before the works shall be commenced, during their progress, or after their completion, as the vestry or board

shall in each case determine, either in one sum or by instalments, within such period, not exceeding twenty years, as the vestry or board shall direct; and any such sum or instalment shall be recoverable from the present or any future owner of such house or premises either by action at law or in a summary manner before a justice of the peace, at the option of the vestry or board: provided that no street or property in respect of which sewers rates have been levied for five years prior to the first day of January One thousand eight hundred and fifty-six shall be subject to be charged under the provision contained in this section.

54. Land may be charged in a less Proportion than House Property. In apportioning the cost of constructing sewers under the provisions contained in the two last preceding sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, it shall be lawful for any vestry or district board to charge the owners of land bounding or abutting on any street in a less proportion than the owners of house property, should they, under the circumstances of the case, deem it just and expedient so to do.

55. Where estimated Expenses exceed actual Costs, Difference to be refunded by, and where less to be paid to, Vestry, etc. In any case in which the estimated expenses shall exceed the actual cost of constructing sewers under the provisions contained in the said two preceding sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, then the difference between such estimated expenses and the actual cost shall be repaid by the vestry or board to the owners of the houses or premises by whom the amount of any such estimated expenses may have been paid; and in any case in which the estimated expenses shall be less than the actual cost of constructing any sewer or sewers under the provisions aforesaid, then the owners of the said houses or premises shall, on demand, pay to the said vestry or board such further sum of money as, together with any sums already paid, will make up the amount of the actual cost; and the vestry or district board shall have all the same remedies for the recovery of such further sum as are herein-before given for recovering any expenses apportioned by vestries or district boards under the said enactments.

56. Vestry or District Board may defray Part of Expense out of Sewer Rates. 26
It shall be lawful for the vestry or district board, should they deem it reasonable and just so to do, at their discretion to defray, *out of the sewers rates to be levied in their parish or district*, any portion of the expenses of and incident to the construction of sewers under the provisions contained in the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties. 539

57. Appeal against Orders of Vestries, etc. as to Amount or Apportionment of Expenses. 27
Any person who may deem himself aggrieved by any order or resolution of any vestry or district board in relation to the expenses of constructing works under the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, or the apportionment of such expenses, may appeal to the Metropolitan Board of Works against such order or resolution, subject in all respects to the directions and provisions contained in the two hundred and eleventh section of the firstly-recited Act, and the section of this Act relative to the form of order to be made by the committee of appeal of the Metropolitan Board of Works 353
against orders or acts of vestries or district boards. 365

59. Contribution to Cost of Main Sewers and Sewers built since 1st January 1856, or hereafter to be built. 342
The provisions contained in the eightieth section of the firstly-recited Act, empowering vestries and district boards to order, at their discretion, under the circumstances therein mentioned, such sums as they shall deem just to be paid and contributed by the owners of houses towards the expense of the construction of sewers into which drains from such houses shall be made or branched, shall be extended, and the same are hereby extended and made applicable to the Metropolitan Board of Works with respect to houses draining into main sewers constructed at the expense of any person or body other than any commissioners of sewers, and which are vested in the Metropolitan Board; and the same provisions are hereby extended and made applicable to all sewers within the limits of the metropolis as defined by the

firstly-recited Act, built since the first day of January One thousand eight hundred and fifty-six, or which may hereafter be built at the expense of any person or body other than the Metropolitan Board of Works, or any vestry, district board, or other body having control over sewers within the metropolis, into which house drains may be made or branched; and the said Metropolitan Board, vestry, district board, or other body, as the case may be, may at their discretion accept payment of contribution from the owners of houses draining into such sewers respectively, either in one sum or by instalments within any period not exceeding twenty years, with interest after a rate not exceeding five pounds by the hundred by the year, as the said board, vestry, or other body shall in each case determine, and shall on receipt of any such contribution or instalment pay over the same to the person or body entitled thereto; and every sum payable to the said board, vestry, or other body by way of contribution to the construction of sewers shall be recoverable from the present or any future owner of the said premises either by action at law or before a justice of the peace in a summary manner, at the option of the board or vestry: provided that nothing herein contained shall prejudice or affect the right of vestries and district boards to demand and recover from the owners of houses and land the sums charged upon them by such vestry and district boards respectively under the provisions contained in this Act.

60. Where Time is given for Payment of Contribution, the Metropolitan Board shall keep a Register. In all cases in which time shall be given by the Metropolitan Board of Works, or by any vestry, district board, or other body for the payment of any contribution to the cost of a sewer as aforesaid, the Metropolitan Board of Works shall keep a register of all such orders for contribution, which register shall contain the description of the premises, the amounts payable, the periods for payment, and other necessary particulars; and such register shall be open to inspection by parties interested during office hours without payment of fee or reward; and every vestry, district board, or other body giving time for payment of any such contribution as aforesaid shall forthwith transmit to the said Metropolitan Board a copy of their order or resolution in that behalf made, and such other particulars in relation thereto as the said board may deem necessary and require.

61. Regulations respecting Openings into Sewers. The seventy-seventh section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, that no person shall make or branch any sewer or drain, or make any opening into any sewer vested in the Metropolitan Board of Works, or in any vestry or district board, without the previous consent in writing of such board or vestry: provided that it shall be lawful for any person, with such consent, at his own expense, to make or branch any drain into any sewer vested in such board or vestry, or authorized to be made by them or either of them under the firstly-recited Act or this Act, such drain being of such size, materials, and other conditions, and branched into such sewer in such manner and form of communication in all respects, as the board or vestry shall direct or appoint: provided also, that where any contribution to the cost of a sewer is payable in respect of drainage into the same, it shall not be lawful for any person to make or branch any drain into such sewer except in conformity with the directions of the board or vestry in whom the same shall be vested with respect to payment of contribution under the provisions contained in the firstly-recited Act and this Act in that behalf; and in case any person, without the consent of the said Metropolitan Board, district board, or vestry as aforesaid, make or branch, or cause to be made or branched, any sewer or drain, or make any opening into any of the sewers vested in any such board or vestry, or authorized to be made by them as aforesaid, or if any person make or branch, or cause to be made or branched, any drain of a different construction, size, material, or other conditions, or in another manner or form of communication than shall be directed or appointed by such board or vestry, every person so offending shall for every such offence forfeit a sum not exceeding fifty pounds; and the board or vestry may cut off the connexion between such drain and their sewer, or if they shall see fit execute the necessary works for making the said drain conformable to their regulations or directions at the expense of the person making such drain or causing the same to be made, such expenses to be recovered either by action

at law or in a summary manner before a justice of the peace, at the option of the board or vestry.

63. Extension of Time under Sect. 76 of 18 & 19 Vict. c. 120 for making Orders by Vestries and District Boards. Whereas by the seventy-sixth section of the firstly-recited Act it is provided that the vestry or district board shall make their order in relation to the matters therein referred to, and cause the same to be notified to the person from whom the notice mentioned in the said section was received within seven days after the receipt of such notice, and it is expedient that the time for making such order should be extended: be it therefore enacted, that where any notice shall have been given to any vestry or district board pursuant to the said section, it shall be lawful for the surveyor of such vestry or board, if he shall deem it necessary and proper so to do, within three days after the receipt of such notice by the vestry or district board, by writing under his hand directed to and served upon the person giving such notice, to require that the building or works referred to therein shall not be proceeded with until after the then next meeting of the said vestry or district board, and until their directions in reference thereto shall have been notified to such person, provided that the order of the said vestry or district board shall be made and notified to the said person at the latest within fifteen days after the receipt of such notice by the vestry or district board; and in case any person shall proceed with any building or works contrary to this enactment he shall forfeit and pay to the vestry or district board a sum not exceeding five pounds, and also a further sum of forty shillings for every day during which such offence shall continue, to be recovered by action at law or in a summary manner at the option of the vestry or board.

64. (Where parties neglect to carry out works pursuant to order of vestry, the vestry may recover penalty or do the works.)

66. Temporary Provision for Drainage of Property where no proper Sewer within 200 feet. Whereas certain property within the limits of the metropolis is so situate as to render it impracticable, or practicable only at undue expense, to connect such property with covered sewers, and it is expedient that some temporary provision should be made for draining such property and abating the nuisances existing thereon or caused thereby: be it therefore enacted, that in any case in which any house or other building, whether erected before or after the passing of this Act, is without sufficient drainage, and there is no proper sewer within two hundred feet of any part of such house or building, it shall be lawful for the vestry or district board of the parish or district in which such house or building is situate by notice in writing to require the owner of such house or building to construct and lay from such house or building a covered drain to lead therefrom into a covered water-tight cesspool or tank or other suitable receptacle, not being under a house or within such distance from a house as the vestry or board shall direct, and to construct such cesspool, tank, or receptacle; and the several provisions in the firstly-recited Act with respect to the laying of house drains at the expense of the owners of property, and the recovery of such expenses of and the penalties for any omission in respect to the performance of any such works pursuant to the orders of vestries or district boards in accordance with the directions of the said Act, shall be extended to and apply to the making of such cesspools, tanks, receptacles, and drains, and the orders of vestries and district boards in relation thereto and the expenses thereof.

68. Penalty on Persons placing Buildings or Encroachments on Sewers. Every person who shall knowingly erect or place any building, wall, bridge, fence, obstruction, annoyance, or encroachment in, upon, over, or under any sewer under the jurisdiction of the Metropolitan Board of Works, or of any vestry or district board, and every person obstructing, filling in, or diverting any sewer or drain under the jurisdiction, survey, or control of the Metropolitan Board or of any vestry or district board, without the previous consent in writing of the board or vestry in whom the same may be vested, shall, in addition to any other proceeding to which he may be liable therefor, forfeit and pay to such respective board or vestry a sum not exceeding twenty pounds for every such offence; and the board or vestry may demolish and remove any such building, wall, bridge, fence, obstruction, annoyance, or encroachment, and perform any works

necessary for restoring or reinstating the sewer or other work or thing damaged ; and the party erecting such building, wall, bridge, fence, or causing such obstruction, annoyance, or encroachment, shall also pay the expense of removing and abating them respectively, and of re-opening, restoring, repairing, or reinstating any sewer or drain obstructed, filled in, closed up, or diverted ; and in case of a continuing offence in any of the cases aforesaid the offender shall be liable to a further penalty, not exceeding five pounds, for each day after notice thereof from the Metropolitan Board of Works, or from the vestry or district board, to be recovered by action at law or before any justice of the peace, by a summary proceeding, at the option of the board or vestry ; provided always, that nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any buildings or works under which a sewer or drain has been constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct the said sewer or drain.

69. Penalty on Persons interfering with Sewers. Any person who shall take up, remove, demolish, or otherwise interfere with any sewer or part of a sewer vested in the Metropolitan Board of Works, or in any vestry or district board, without the previous permission in writing of such board or vestry, or who shall wilfully damage any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work, or thing vested in the Metropolitan Board or any vestry or district board, or do any act by which the drainage of the metropolis or any part thereof may be obstructed or injured, shall for every such offence forfeit and pay to the said Metropolitan Board of Works, or to the vestry or district board aggrieved by any such act, for every such offence a sum not exceeding twenty pounds, and shall also pay to such board or vestry all the expenses of repairing, restoring, reinstating, or amending any sewer or other work or thing so taken up, removed, demolished, damaged, or interfered with, to be recovered by action at law or before a justice of the peace by a summary proceeding, at the option of the board or vestry.

73. Act as to Paving and Improving Parts of Metropolis to extend to Metropolis as defined by this Act. The powers of improving and regulating streets and for the suppression of nuisances contained in the Act of the fifty-seventh year of the reign of His Majesty King George the Third, chapter twenty-nine, local and personal, intituled An Act for better paving, improving, and regulating the streets of the metropolis, and removing and preventing nuisances and obstructions therein, shall so far as the same is in force, and is not inconsistent with the provisions of the recited Acts and this Act, extend and apply to the metropolis as defined in the firstly-recited Act and in this Act, including any unpaved streets, and notwithstanding any exceptions therein contained.

74. Buildings projecting beyond General Line when taken down to be set back. *In case any building, situated within any of the parishes, districts, or places comprised in the schedules of the firstly-recited Act, which shall in any part thereof project beyond the general line of the street in which the same may be situate, or beyond the front of the building, wall, or railing on either side thereof, shall at any time be taken down to an extent exceeding one half of such building, such half to be measured in cubic feet, or shall be destroyed by fire or other casualty, or demolished, pulled down, or removed from any other cause to the extent aforesaid, it shall be lawful for the Metropolitan Board of Works to require the same to be set back to such a line and in such a manner for the improvement of any street as the said Board shall direct ; provided that the said Board shall make compensation to the owner of such building for any damage and expenses which he may sustain and incur thereby : Provided also, that this section shall not apply to any building in the places mentioned in Schedule (C) to the Metropolis Local Management Act which does not abut upon any public street or place.*

75. Mode of proceeding with regard to Buildings beyond Line of Street. *The one hundred and forty-third section of the first-recited Act, and the one hundred and fortieth section of the Act passed in the seventh year of His Majesty King George the Fourth, chapter one hundred and forty-two, intituled An Act for consolidating the trusts of the several turnpike roads in the neighbourhood of the metropolis north of the river Thames, are hereby repealed ; and in lieu thereof be it enacted, that no building, structure, or erection shall,*

without the consent in writing of the Metropolitan Board of Works, be erected beyond the general line of buildings in any street, place, or row of houses in which the same is situate in case the distance of such line of buildings from the highway does not exceed fifty feet, or within fifty feet of the highway when the distance of the line of buildings therefrom amounts to or exceeds fifty feet, notwithstanding there being gardens or vacant spaces between the line of buildings and the highway, such general line of buildings to be decided by the superintending architect to the Metropolitan Board of Works for the time being; and in case any building, structure, or erection be erected, or be begun to be erected or raised, without such consent, or contrary to the terms and conditions on which the same may have been granted, it shall be lawful for the vestry of the parish or the board of works for the district in which such building or erection is situate to cause to be made complaint thereof before a justice of the peace, who shall thereupon issue a summons requiring the owner or occupier of the premises, or the builder or person engaged in any work contrary to this enactment, to appear at a time and place to be stated in the summons to answer such complaint; and if at the time and place appointed in such summons the said complaint shall be proved to the satisfaction of the justice before whom the same shall be heard, such justice shall make an order in writing on such owner or occupier, builder, or person, directing the demolition of any such building or erection, or so much thereof as may be beyond the said general line so fixed as aforesaid, within such time as such justice shall consider reasonable, and shall also make an order for the payment of the costs incurred up to the time of hearing; and in default of the building or erection complained of being demolished within the time limited by the said order, the said vestry or board shall forthwith enter the premises to which the order relates and demolish the building or erection complained of, and do whatever may be necessary to execute the said order, and may also remove the materials to a convenient place, and subsequently sell the same, as they think fit; and all expenses incurred by the said vestry or board in carrying out the said order and in disposal of the said materials may be recovered by the said vestry or board from the owner or occupier of the said premises or the builder or person engaged in the work, either by action at law or in a summary manner before a justice of the peace, at the option of the said vestry or board, in manner provided by the two hundred and twenty-seventh section of the firstly-recited Act as to the recovery of penalties.

76. Conditions as to Buildings beyond Line of Street. *The Metropolitan Board may, in giving consent for any erection beyond the regular line of the buildings in any street, annex any condition to the consent given by the Board, and in case such erection shall not be made in accordance with the consent of the Board, or be in any manner altered or raised without their consent, the Board may enter and demolish or alter the buildings or structure or any part thereof, and recover all expenses, or may impose any penalty not exceeding forty shillings to be summarily recovered for every day during which any building or structure being a contravention of such condition shall exist after notice from the said Board or any officer of the Board to remedy the complaint.*

77. Expenses of Paving new Streets. Where any vestry or district board shall, under the powers given by the one hundred and fifth section of the firstly-recited Act, have paved or be about to pave any new street, the owners of the land bounding or abutting on such street shall be liable to contribute to the expenses or estimated expenses of paving the same, as well as the owners of houses therein, provided that it shall be lawful for the vestry or district board to charge the owners of land in a less proportion than the owners of house property, should they deem it just and expedient so to do; and any such costs or expenses, including the cost of paving at the points of intersection of streets, and all other incidental costs and charges, shall be apportioned by the vestry or board, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion; and it shall be lawful for the vestry or district board at their discretion to accept payment of the amount apportioned or charged in respect of each house or premises by instalments spread over a period not exceeding twenty years, and any such amount shall be recoverable from the present or any future owner of the premises either by action

at law or in a summary manner before a justice of the peace, at the option of the vestry or board.

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80. Proviso to Sect. 106 of 18 & 19 Vict. c. 120 repealed. The proviso of the one hundred and sixth section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, that no street not being an highway shall be repaired as in the said section mentioned, unless notice be given to the owners and rated occupiers of the houses in such street respectively; and service of any such notice may be effected by leaving the same at the several houses in such street, or where any of the said houses shall be unoccupied, by affixing the same upon the outer door or some conspicuous part of such houses; and provided further, that no such street shall be repaired as in the said section mentioned if within one month after notice has been given as aforesaid written notice of objection to such repair, signed by at least two-thirds of the owners or rated occupiers of houses in the said street, shall be given to the vestry or district board.

81. Where Owners of Courts, etc. Omit to Drain and Pave, Vestry or District Board may perform the Works, charging Expenses to Owner. In any case of default by the owner of any court, passage, or public place, not being a thoroughfare, to comply with the requisition of any vestry or district board to perform works of paving or draining of the nature described in the one hundredth section of the firstly-recited Act, it shall be lawful for the vestry or board, should they see fit, in lieu of enforcing the penalty therein mentioned to execute and perform such works, and recover the expenses thereof from the owner either by action at law or in a summary manner before a justice, at the option of the vestry or board.

82. Reinstatement of Pavement Broken up by Works of Companies, etc. In every case in which any company or person shall be liable under the firstly-recited Act to reinstate the pavement, surface, or soil of any street under the control of any vestry or district board which may have been broken up or opened, or to repay to such vestry or board the expenses of reinstating the pavement, surface, or soil of any street, every such company or person shall be liable to reinstate the pavement, surface, or soil, or to pay the expenses of reinstating the pavement, surface, or soil of such parts of the street as shall have been so broken up or opened, as well as of the part or parts contiguous thereto which may be affected by the works of such company or person, to the reasonable satisfaction of the surveyor for the time being of the vestry or district having control over the pavements in such parish or district.

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83. Metropolitan Board may make Byelaws for Guidance of Vestries, etc. in Construction of Sewers. The Metropolitan Board of Works may, in order to secure the efficient maintenance of the main and general sewerage of the metropolis, from time to time make, alter, and repeal byelaws for the guidance, direction, and control of the vestries of parishes in Schedule (A) to the firstly-recited Act, district boards, and all other persons, in relation to the levels, dimensions, construction, maintenance, ventilation, and cleansing of sewers in their respective parishes, districts, or parts, and for the other objects enumerated in the one hundred and thirty-eighth section of the firstly-recited Act, subject in all respects to the several provisions relating to byelaws contained in the two hundred and second section of the said Act; but this provision shall only extend to the City of London and the liberties thereof, so far as regards the main drainage of the metropolis.

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84. Vestries, etc. may Stop up Streets during Execution of Works. It shall be lawful for any vestry or district board, *with the previous sanction of the Metropolitan Board of Works* to close or stop up any street within their parish or district during the execution of any paving, sewerage, or other works by such vestry or board in such street, and to keep the same closed and stopped up for such time as shall be necessary in that behalf, *and allowed by the Metropolitan Board.*

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85. Height of Buildings in certain Streets. *No building, except a church or chapel, shall be erected on the side of any new street of a less width than fifty feet, which shall exceed in height the distance from the external wall or front of such building to the opposite side of such street, without the consent in writing of the Metropolitan Board of Works; nor shall the height of any building so erected be at any time subsequently*

increased so as to exceed such distance without such consent ; and in determining the height of such building the measurement shall be taken from the level of the centre of the street immediately opposite the building up to the parapet or eaves of such building ; and every person committing any offence under this enactment shall be liable to a penalty of five pounds, and in case of a continuing offence to a further penalty of forty shillings for every day during which such offence shall continue after notice from the said Board, to be recovered by summary proceeding.

96. Vestry or District Board may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent. 211 The two hundred and seventeenth, two hundred and eighteenth, and two hundred and nineteenth sections of the firstly-recited Act are hereby repealed ; and in lieu thereof be it enacted, that it shall be lawful for any vestry or district board, at their discretion, to require the payment of any costs or expenses which the owner of any premises may be liable to pay under the said recited Act or this Act either from the owner or from any person who then or at any time thereafter occupies such premises, and such owner or occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the recited Act and this Act ; and the owner shall allow such occupier to deduct the sums of money which he so pays out of the rent from time to time becoming due in respect of the said premises as if the same had been actually paid to such owner as part of such rent : provided always, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after such demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuse, on application being made to him for that purpose by or on behalf of the vestry or district board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier : provided also, that nothing herein contained shall be taken to affect any contract made or to be made between any owner and occupier of any house, building, or other property, whereof it is or may be agreed that the occupier shall pay and discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

97. Deduction by Owners paying Rent where Amount of Expenses deducted from Rent paid to him. If the owner or landlord of any premises from whose rent any amount shall be deducted in respect of any costs, charges, or expenses payable under the firstly-recited Act or this Act shall hold the premises in respect of which the amount of such costs, charges, or expenses shall be paid at a rent not less than the rack-rent, he shall be entitled to deduct the whole amount paid by him on account of such costs, charges, or expenses from the rent payable by him to his superior landlord ; and if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him a sum bearing the same proportion to the amount so paid by him on account of such costs, charges, or expenses as his rent shall bear to the rack-rent ; and if the owner or landlord from whose rent any deduction be made under the provision last aforesaid be himself liable to the payment of rent for the premises in respect of which the deduction shall be made, and hold such premises for a term of which less than twenty-one years shall be unexpired, but not otherwise, he may deduct from the rent so payable by him a sum bearing the same proportion to the sum deducted from the rent payable to him as the rent payable by him shall bear to the rent payable to him, and so on in succession with respect to every landlord of the same premises both receiving and liable to pay rent in respect thereof, and holding the same for a term of which less than twenty-one years shall be unexpired as aforesaid : provided always, that nothing herein contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him : provided also, that nothing herein contained shall be taken to affect any contract made or to be made between any owner or occupier of

any house, building, or other property whereof it is or may be agreed that the occupier shall pay and discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

107. Penalties to be proceeded for within Six Months. The two hundred and thirty-third section of the firstly-recited Act is hereby repealed; and in lieu thereof be it enacted, that no person shall be liable for the payment of any penalty or forfeiture under the recited Acts or this Act, or any byelaw made by virtue thereof, for any offence made cognisable before a justice, unless the complaint respecting such offence have been made before such justice within six months next after the commission or discovery of such offence.

110. Acts to be construed as One Act. The said recited Acts¹ and this Act shall be construed together as one Act.

112. Interpretation of Terms. In the construction of the recited Acts and this Act the term "metropolis" shall be deemed to include the City of London and the parishes and places mentioned in the Schedules (A), (B), and (C) to the firstly-recited Act; the word "drain" shall be deemed to apply to and include the subject-matters specified in the two hundred and fiftieth section of the firstly-recited Act, and also any drain for draining a group or block of houses by a combined operation, laid or constructed before the first day of January One thousand eight hundred and fifty-six, pursuant to the order or direction or with the sanction or approval of the Metropolitan Commissioners of Sewers; the expression "water company" shall mean and include any of the companies enumerated in the twenty-ninth section of the Act of the session of the fifteenth and sixteenth years of the reign of Queen Victoria, chapter eighty-four, for the making better provision respecting the supply of water to the metropolis, and also any other company, board, or commission, association, person, or partnership, corporate or unincorporate, for the time being supplying the metropolis or any part thereof with water for domestic use; the word "cattle" shall include sheep, lambs, and swine; the word "street" shall be deemed to apply to and include the subject-matters specified in the two hundred and fiftieth section of the firstly-recited Act, and also any mews and a part thereof; the expression "new street" shall apply to and include all streets hereafter to be formed or laid out, and a part of any such street, and also all streets, the maintenance of the paving and roadway whereof had not, previously to the passing of this Act, been taken into charge and assumed by the commissioners, trustees, surveyors, or other authorities having control of the pavements or highways in the parish or place in which such streets are situate, and a part of any such street, and also all streets partly formed or laid out; the word "pave" shall apply to and include the formation of the roadway or footway of any street; the word "clerk" shall include any officer called or to be called "secretary;" the word "surveyor" shall include any officer called or to be called "engineer;" the word "print" shall apply to and include every mode of taking impressions, whether by letter press, stereotype, lithography, or otherwise.

116. Saving Rights of the Crown and the Duchy of Lancaster. It shall not be lawful for the Metropolitan Board of Works, or for any vestry or district board, to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights, of whatsoever nature, belonging to or enjoyed or exercisable by the Queen's most Excellent Majesty in right of her Crown, or in right of the Duchy of Lancaster, without the consent in writing of the Commissioners for the time being of Her Majesty's woods, forests, and land revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose, which consent such Commissioners are hereby respectively authorized to give, or without the consent in like manner of the Chancellor of the said Duchy; and nothing herein contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors, in right of her Crown, or in right of her Duchy of Lancaster: provided always, that nothing herein contained shall in any way lessen, alter, or in any manner prejudice or affect the

¹ The Metropolis Management Act, 1855, and two unimportant Acts amending the same.

rights, powers, and authorities of the Metropolitan Board of Works relating to the main drainage of the metropolis, but such rights, powers, and authorities may be put in force as if this section had not been passed.

117. Saving Rights of the Crown in respect of the Duchy of Cornwall. It shall not be lawful for the Metropolitan Board of Works, or for any vestry or district board, to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights, of whatsoever nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of her Duchy of Cornwall, without the consent in writing of two or more of the principal officers of the Duchy, which consent such principal officers of the Duchy are hereby authorized to give; and nothing herein contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors, in respect of the said Duchy: provided always, that nothing herein contained shall in any way lessen, alter, or in any manner prejudice or affect the rights, powers, and authorities of the Metropolitan Board of Works relating to the main drainage of the metropolis, but such rights, powers, and authorities may be put in force as if this section had not been passed.

VALUATION (METROPOLIS) ACT, 1869.

(32 & 33 VICT. c. 67.)

PRELIMINARY.

1. Act to be construed as one with 25 & 26 Vict. c. 103, and 27 & 28 Vict. c. 39. The Union Assessment Committee Act, 1862, is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864 (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the said Act amending the same, or in any other Act or document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

2. Short Title. This Act (including the Acts incorporated herewith) may be cited 296 as the Valuation (Metropolis) Act, 1869.

3. Extent of Act. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under the Metropolis Management Act, 1855.

4. Definitions. In this Act, unless the context otherwise requires,—

"**Metropolis.**" The term "metropolis" means the unions and parishes to which this Act extends:

"**Parish.**" The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"**Union.**" The term "union" means any union of parishes, and any parish for which there is a separate assessment committee under this Act and the Acts incorporated herewith:

"**Ratepayer.**" The term "ratepayer" means every person who is liable to any rate or tax in respect of property entered in any valuation list:

"**Year.**" The term "year" means the twelve months commencing with the sixth of April and ending with the succeeding sixth of April; and words referring to a year refer to the same period:

"**Surveyor of Taxes.**" The term "surveyor of taxes" means any surveyor of

taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners either of Inland Revenue or of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

- 534 "Overseers." The term "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor:
- "Vestry Clerk." The term "vestry clerk" means the vestry clerk, if any, elected under the Act of the session of the thirteenth and fourteenth years of the reign of her present Majesty, chapter fifty-seven, or under a local Act, or, if there is no such clerk, the vestry clerk appointed under "the Metropolis Management Act, 1855:"
- "Hereditament." The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive:
- 297 "Gross Value." The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:
- 297 "Rateable Value." The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid:
- The Acts specified in the First Schedule to this Act are in this Act referred to by the short title placed opposite to them in that Schedule.

ASSESSMENT COMMITTEE.

- 535 5. Election of Assessment Committee in single Parish where there is a Vestry.
- Where, in any parish which is not included in any union formed under the Poor Law Amendment Act, 1834, and the Acts amending the same, there is for the time being a vestry elected according to the provisions of the Metropolis Management Act, 1855, but no assessment committee under the principal Act, the following provisions shall have effect:

- (1.) Where in any such parish there is a board of guardians having power under any local Act to assess or make the rates for the relief of the poor, that board of guardians shall appoint an assessment committee:
- (2.) Where any two of such parishes are united under a local Act for the purpose of assessing or making the rates for the relief of the poor, the guardians for such united parishes elected in pursuance of the Poor Law Amendment Act, 1834, and the Acts amending the same, shall appoint an assessment committee:
- . In cases other than those before mentioned the vestry of such parish shall appoint an assessment committee:
- (4.) In the first year after the passing of this Act and every subsequent year, the body who appoint an assessment committee under this section shall on a day fixed by such body between the fifteenth and twenty-ninth of April in that year, or some other day fixed by the Poor Law Board, hold a meeting, and appoint from among themselves an assessment committee (consisting of not less than six nor more than twelve in number) in the same manner, as near as may be, as if the parish or united parishes were an union and the appointing body a board of guardians within the meaning of the principal Act.

All the provisions of this Act and the Acts incorporated herewith shall—

- (a.) in cases where the assessment committee is appointed by guardians under this section be construed as if such guardians, and the monies applicable by such

guardians for the relief of the poor were the guardians mentioned in the principal Act and the common fund ; and—

- (b.) in cases where the assessment committee is appointed by the vestry be construed, so far as is consistent with the tenor thereof, as if the terms vestry, members of the vestry, vestry clerk, assistant vestry clerk, and monies applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855, were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund, but nothing in such Acts relating to ex-officio guardians shall have any application in the case of a vestry.

MAKING OF VALUATION LISTS.

6. Making of Valuation Lists. The overseers of every parish to which this Act extends, within the time in this Act mentioned, shall make and sign a valuation list of their parish in duplicate, in accordance with this Act. 296

7. Valuation Lists to be dealt with under 25 & 26 Vict. c. 103, ss. 17 to 21. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

8. Duplicate sent to Surveyor of Taxes. The overseers shall send one duplicate of the valuation list to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The surveyor of taxes shall insert in the duplicate so sent to him the amount in his opinion of the gross value of the hereditaments comprised in such list where such amount differs from the amount inserted by the overseers, and shall transmit the duplicate to the assessment committee within twenty-eight days after he has received the same.

9. Notice to Occupier of Alteration of Value, etc. In each of the following cases ; namely,

- (1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or (where there is no valuation list) in the then last assessment to the poor rate, or

- (2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament a notice of the gross and rateable value thereof inserted in the valuation list.

10. Notice to state Time and Mode of Objection. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

11. Grounds on which Persons may Object before Assessment Committee. Objections may be made before the assessment committee by any person authorized by this Act and the Acts incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

12. Surveyor of Taxes, etc. may Inspect, Copy, and Object to Valuation List. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to any valuation list which relates to his district or parish as is given to any person by this Act and the Acts incorporated herewith.

13. If Overseers do not transmit List, Committee to appoint a Person to do so. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers.

14. Valuation List to be revised, certified, and sent to Overseers, etc. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, they shall cause the totals of the gross and rateable value in such list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in Part One of the Second Schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district, and the other duplicate to the overseers of the parish to which it relates.

15. Deposit of Duplicate of List in each Parish. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

16. Deposit of List at Office of the Managers of Metropolitan Asylum District. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district by the assessment committee shall be deposited at the office of such managers, and within the time in this Act mentioned shall be returned by such clerk to the same assessment committee.

17. Printing and Distribution of Totals of Gross and Rateable Value in Valuation List. The clerk of the managers of the metropolitan asylum district shall, within the time in this Act mentioned, cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in every county in which any parish to which any of such totals relate is situate, to the clerks of the peace for every such county, to the Commissioner of the Metropolitan Police, the Corporation of the City of London, the Metropolitan Board of Works, every district board in the metropolis, and the Poor Law Board. Every assessment committee, overseer, and ratepayer within the metropolis and every such county shall respectively be entitled to have printed copies of such totals on payment of one penny for each copy of all the said totals.

APPEALS.—SPECIAL SESSION.

296 **18. Holding of Special Session to Hear Appeals.** In every petty sessional division in the metropolis the justices of the peace acting in and for such division shall, in every year at the time mentioned in this Act, hold a special sessions for hearing appeals under this Act against the valuation lists of the several parishes within such division.

19. Persons entitled to Appeal to Special Sessions. Any ratepayer and any overseers of a parish, so far as respects the valuation list of such parish, and any surveyor of taxes, so far as respects the valuation list of any parish in the petty sessional division, may, if he or they feel aggrieved by any decision of the assessment committee on an objection made with respect to the unfairness or incorrectness of the valuation of any hereditament included in such list, but not otherwise, appeal against such decision to the special sessions. The right to appeal to special sessions shall not deprive a person of any other right of appeal conferred on him by this Act.

20. Extent of Jurisdiction of Special Sessions. The justices in special sessions under this Act shall not hear any appeal touching any matter with respect to which

notice of appeal to the general assessment sessions has been served in manner prescribed by this Act, and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such justices and an alteration by them of the value of an hereditament in the valuation list of any parish shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals of the gross or rateable value of such list as settled by the assessment committee, but may form a reason for an appeal against such totals to the assessment sessions and superior Court as herein-after mentioned.

21. Powers of Special Sessions. The justices in special sessions under this Act may adjourn their court from time to time, as may be necessary for the performance of their duties under this Act. They shall have with respect to the attendance and examination of witnesses, the taking of evidence, the keeping order in court, the enforcing their orders, and all matters necessary for the execution of their duties under this Act, the same powers and jurisdiction as if they were assembled in petty sessions.

22. Notice by Special Sessions of Time of Sitting. The justices in special sessions shall send a written notice of the time and place at which they will hold a special sessions for the purpose of hearing appeals with respect to any parish to the overseers of such parish, who shall publish it as soon as it is received by them.

APPEALS.—ASSESSMENT SESSIONS.

23. Court of General Assessment Sessions. For the purpose of hearing appeals under this Act against any valuation list in the metropolis, the justices of the peace appointed as herein-after mentioned shall at the time mentioned in this Act assemble and hold a court of general assessment sessions (in this Act referred to as the assessment sessions).

24. Appointment of Members of General Assessment Sessions. The justices who are to form the court of general assessment sessions shall be appointed annually as follows :—

- (1.) Three justices of the peace of the county of Middlesex (of whom the assistant judge of the court of the sessions of the peace of the said county shall be one) shall be appointed by the court of general quarter sessions or general sessions of the peace for the county of Middlesex :
- (2.) Two justices of the peace of the county of Surrey shall be appointed by the court of general or quarter sessions of the peace for the county of Surrey :
- (3.) Two justices of the peace of the county of Kent shall be appointed by the court of general sessions for the county of Kent :
- (4.) Two justices of the peace of the City of London shall be appointed by the court of the mayor and Aldermen of the City of London in the inner chamber.

The said justices shall be appointed in the month of October in every year, or at such other time as may be from time to time fixed by the appointing body. They shall hold office for twelve months beginning on the first of November, and any casual vacancy may be filled up by the appointing body.

25. Officers of General Assessment Sessions. The justices in assessment sessions may from time to time appoint, with the consent of the Poor Law Board, a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him or them such remuneration and such duties as the Poor Law Board may approve.

26. Chairman, Quorum, and Powers of General Assessment Sessions. The justices in assessment sessions may from time to time appoint one of their own number to act as their chairman, who shall have a second or casting vote, and they may from time to time determine on their quorum so that it be not less than three.

The court of general assessment sessions may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and (for the purpose of

giving judgment only) from place to place in the metropolis. They shall with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as a court of quarter sessions; and, subject to the express provisions of this Act, shall conduct their proceedings, be convened, and be in the same position, as near as may be, as if they were a court of quarter sessions.

27. Orders as to Proceedings and Recognizances on Appeals. The justices in assessment sessions may, with the approval of one of Her Majesty's principal Secretaries of State, make orders from time to time for the purpose of regulating the proceedings on appeals to them under this Act, and for determining the recognizances (if any) to be entered into by appellants in the case of appeals either to special sessions or to the assessment sessions.

28. Fees on Appeals under Act. The justices in assessment sessions may make a table of the fees which in their opinion should be paid to the clerks of special sessions and to the clerk of assessment sessions in the case of appeals under this Act, and shall lay such table before one of Her Majesty's principal Secretaries of State in the same manner as the justices at quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, (which section relates to a table of fees and to the prohibition of clerks taking other fees,) shall apply in the case of a table of fees made, and the business done by the said clerks under this Act.

All fees paid in the case of appeals to the assessment sessions shall be paid to the account of the receiver of the Metropolitan Common Poor Fund, and shall be so paid and taken and accounted for in such manner as the Poor Law Board may from time to time by order prescribe.

29. Places for hearing Appeals. The justices in assessment sessions shall from time to time appoint the place in the metropolis where the appeals relating to each parish in the metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district.

30. Public Notice of Times of holding Courts to be given. The justices in assessment sessions shall cause public notice to be given of the several times at which they will sit at the several places appointed for the hearing of appeals; such notice may be given under the hand of their clerk, and shall be given by advertisement in some newspaper circulating generally in the metropolis and by sending a copy of such notice to every surveyor of taxes in the metropolis, to every assessment committee which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them.

31. Summons of certain Officers as Witnesses. The justices in assessment sessions may order any clerk to the commissioners of taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which such justices may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section shall be liable (on summary conviction before the justices in assessment sessions or any other two justices) to a penalty not exceeding five pounds.

32. Persons entitled to Appeal to Assessment Sessions. Any ratepayer and any surveyor of taxes, and any overseer, with the consent of the vestry of his parish, who may feel aggrieved by any decision of the assessment committee, on an objection made before them to which he was a party, or by any decision of special sessions, whether he was a party or not, may appeal against such decision to the assessment sessions.

Any assessment committee in the metropolis, or in the county in which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorized by law to levy rates or require contributions payable out of rates in the metropolis or such county, may appeal to the assessment sessions, if they or he feel aggrieved by reason—

- (1.) of the total of the gross value of any parish being too high or too low ;
- (2.) of the total of the rateable value of any parish being too high or too low ; or
- (3.) of there being no approved valuation list for some parish.

PROCEEDINGS ON APPEALS.

33. Notice of Appeal to Special or Assessment Sessions. Notice in writing of every appeal, whether to special sessions or the assessment sessions, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons ; namely, 296

in all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal :

when the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person :

if an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates :

Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the special sessions or of the assessment sessions, as the case may require.

34. Sessions to hear and determine Appeals, and alter List accordingly. The justices in special sessions and in assessment sessions respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint. They may adjourn the hearing from time to time, and to any day not later than the day before which all appeals to them are required by this Act to be heard ; and in the case of assessment sessions for the purpose of obtaining the decision of any superior Court to any day necessary for that purpose ; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they may, if they think it just, order notice of appeal to be given. They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee, or some deputy allowed by the assessment committee, shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the justice acting as chairman of the sessions in that list, and the said justice shall place his initials against such alteration.

35. Making of Valuation List where none approved. If it appears to the justices in assessment sessions on any appeal that there is no approved valuation list for some parish, they may appoint some proper person (with such remuneration as they may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee

who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

36. Assessment Sessions may, on Application of Party to Appeal, order Valuation. If any of the parties to the appeal apply to the justices in assessment sessions to direct a valuation of any hereditament with respect to which any appeal may be made, and if such applicant or applicants give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some proper person to make such valuation.

37. Adjournment to receive Valuation List or Valuation. Where the court appoint a person to make a valuation list or a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation list or valuation, and may adjourn the hearing to that day.

38. Valuation to be in Writing, Person making it to have Power to Enter. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

39. Costs of Appeal. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the justices in special or assessment sessions (as the case may be), and shall be awarded by them to be paid by such parties to the appeal, and in such proportions, as they think just.

Costs (including the costs of making a valuation) so ordered to be paid may be recovered as if they had been awarded by a court of quarter sessions, and when ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

40. Appeal from Decision of Assessment Sessions on Points of Law. The same proceedings may be had by special case and certiorari or otherwise, for questioning any decision of the justices in assessment sessions, as may be had for questioning any decision of the justices in general or quarter sessions, provided that every such certiorari shall be sued out within three months after the decision is given.

At any time after notice given of appeal under this Act to the assessment sessions, it shall be lawful for the parties, by consent and by order of any judge of one of the superior Courts of common law at Westminster, to state the facts of the case in the form of a special case for the opinion of any of those Courts, and to agree that a judgment in conformity with the decision of that Court, and for such costs as that Court may adjudge, may be entered on the application of either party at the meeting of the justices in assessment sessions next or next but one after such decision has been given, and such judgment may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the assessment sessions upon an appeal duly brought before them and adjourned; and the justices shall, if necessary, hold a sessions or an adjourned sessions for this purpose.

Notice in writing of the decision of any superior Court in pursuance of this section shall be served by the clerk of the assessment sessions on the assessment committee which approved the list questioned on the appeal to such Court.

41. Notice of Alteration of List to be sent to Overseers. Notice of every alteration in the valuation list, which alteration is made in consequence of any decision on any appeal to the special sessions, assessments sessions, or a superior Court, shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them.

Notice of every alteration in the total of the gross and rateable value of any valuation list, which alteration is made in consequence of any decision on any appeal to the assessment sessions or a superior Court, shall as soon as possible be sent in

writing by the clerk of the assessment committee to the clerk of the managers of the metropolitan asylum district, and the clerk of such managers shall send in writing such altered total to every person and body of persons who has power to levy or make any rate or assessment or require any contribution based on such total.

TIMES FOR PROCEEDINGS.

42. Times within which Proceedings in making Valuation List are to be done. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect ; that is to say,

- (1.) The overseers shall make and deposit the valuation list before the first of June in the first year after the passing of this Act :
- (2.) The overseers shall transmit the valuation list to the assessment committee not sooner than fourteen and not later than seventeen days after notice is given of the deposit of such list :
- (3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of twenty-five days after the list is deposited :
- (4.) The assessment committee shall revise the valuation list before the first of October in the same year, and before the same day, but not less than sixteen days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list :
- (5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than sixteen days before such meeting :
- (6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than seven days before the meeting at which objections to such list will be heard by the assessment committee :
- (7.) The assessment committee shall send the valuation list to be re-deposited within three days after it is approved by them, and shall appoint a day not less than fourteen nor more than twenty-eight days after such re-deposit for hearing objections to the alterations, of which objections seven days' notice shall be given by the objector :
- (8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the managers of the metropolitan asylum district, before the first of November in the same year :
- (9.) Notices of appeal to special sessions shall be given on or before the twenty-first of November in the same year :
- (10.) The justices may hold the special sessions at any time after the thirtieth of November in the same year, which will enable them to determine all appeals before the ensuing first of January :
- (11.) The clerk of the said managers shall send out the printed totals before the first of December in the same year, and shall return the valuation list to the assessment committee not sooner than fourteen nor later than twenty-one days after the totals are sent out :
- (12.) Notices of appeals to assessment sessions shall be given on or before the fourteenth of January in the same year :
- (13.) The justices may hold the assessment sessions at any time after the first of February in the same year, which will enable them to determine all appeals (except where a valuation list or valuation is ordered) before the ensuing thirty-first of March :
- (14.) Notice of the times at which the assessment sessions will be held at each place shall be given by the clerk ten days at least before the first court is held.

EFFECT OF VALUATION LIST.

43. Duration of Valuation List. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act to any sessions or a

superior Court, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for five years, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

44. Rate to be levied notwithstanding Appeal. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every assessment, contribution, rate, and tax in respect of which the valuation list is conclusive shall be made, required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act to assessment sessions or a superior Court an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

45. Valuation List to be conclusive for Purposes of certain Rates, Taxes, and Qualifications. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

- (1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, the metropolitan police rate, the church rate, the highway rate, the poor rate, the police, sewers, consolidated and other rates in the City of London, the sewers, lighting, general, and other rates levied by order of district boards or vestries, the main drainage improvement and other rates, and sums assessed on any part of the metropolis by the Metropolitan Board of Works, assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value :
- (2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force ; namely,
 - (a.) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to :
 - (b.) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits :
- (3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, to the qualification of a vestryman, and an auditor of accounts under the Metropolis Management Act, 1855, and to the qualification of a guardian and of a manager under the "Poor Law Amendment Act, 1834," or the "Metropolitan Poor Act, 1867," at any time at which such value is required to be ascertained :

And in construing the Metropolitan Police Act and the Acts amending the same, the last valuation for the time being acted upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force :

And in construing the County Rate Act and Acts referring to the valuation, estimate, basis, or standard for the county rate, the valuation, estimate, basis, or standard shall be deemed to be the rateable value stated in such list :

And in construing the House Tax Act and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list :

And in construing the Income Tax Act and any Acts continuing or amending that Act, with respect to Schedules A and B thereof, annual value shall be deemed to mean the gross value stated in such list.

REVISION OF VALUATION LIST.

46. Mode of Revising Valuation List. Every valuation list shall be revised in 296 manner directed by this Act, and such revision in every period of five years (the first of such periods beginning with the sixth of April one thousand eight hundred and seventy-one) shall be conducted as follows :

- (1.) In each of the first four years of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the Second Schedule to this Act :
- (2.) In the fifth year of every such period the overseers shall make a new valuation list :
- (3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act :
- (4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act :
- (5.) In each of the last four years of such period the valuation list which was in force on the day before the commencement of each such year, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such year, shall be the valuation list which is in force during that year :
- (6.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the fifth year of such period.

47. Provision for Valuing a House built between the Times at which the Valuation List is made. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause increased or reduced in value, the following provisions shall have effect :

- (1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer of the union or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament :
- (2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list :
- (3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days

after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served :

- (4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require :
- (5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier :
- (6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just :
- (7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers :
- (8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force :
- (9.) Upon a provisional list coming into operation the overseers shall make such entries in the rate book for the then current poor rate as will bring the same into conformity with such list, and shall also enter therein the date at which such list is to come into operation, and shall charge the occupier of such hereditament with a proper proportion of such current poor rate, regard being had to the time which has elapsed between the making of such rate and the said date and to the rateable value stated in such provisional list, and such occupier shall be considered as actually rated for such sum from the said date, and be liable to pay the same, and the same may be enforced accordingly :
- (10.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the provisional list comes into force, and the proportion of the current rate charged as before provided in this section shall be levied accordingly ; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed :
- (11.) Nothing in this section shall affect the value on which any rate is made or sum is assessed or contribution required which is made, assessed, or required on the totals of the gross or rateable value of parishes or unions.

EXPENSES.

48. Costs of Appeal, etc. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

49. Inland Revenue may make Allowances for Expenses of Act. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

50. Expenses. The expenses of the assessment sessions and such remuneration as the Poor Law Board may from time to time allow to the clerk of the managers of the metropolitan asylum district, the clerk of the assessment sessions, and persons appointed to assist the assessment sessions as provided by this Act, and such costs and expenses incurred by such clerks and persons under this Act as the Poor Law Board may allow, after such audit as the Poor Law Board may direct, shall be paid by the receiver of the Metropolitan Common Poor Fund out of any monies for the time being in his hands, and shall be paid at such times and in such manner and upon such precept of the Poor Law Board as the Poor Law Board may from time to time prescribe, and the Poor Law Board may require contributions for the purpose of raising such remuneration, expenses, and costs.

RULES FOR FORMATION OF VALUATION LIST.

51. Form and Contents of Valuation List. The valuation list shall be made out in the form given in the Second Schedule to this Act.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to rule two in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes and every hereditament in their parish, and shall enter every hereditament in the valuation list in accordance with the classes mentioned in the Third Schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that Schedule.

52. Deductions for Rateable Value. The percentage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall not exceed the amounts in the Third Schedule to this Act, so far as the same are applicable. 297
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53. Amount of Gross Value specified by the Surveyor of Taxes to be inserted, unless disproved. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, special sessions, or assessment sessions, unless it is proved to the satisfaction of the assessment committee, special sessions, or assessment sessions, that such amount ought not to be so inserted.

54. Saving of Exemptions and Exceptional Principles of Valuation. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation.

RETURNS.

55. Occupier to make Returns. In the first year after the passing of this Act, and in every subsequent year in which a new valuation list is made, or in the month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make. 296

56. Surveyor of Taxes to supply Notices and Forms for Returns to Overseers, who are to serve them. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of February preceding send to the overseers of each parish in his district a sufficient number of printed forms and notices,

and the overseers, within a month after the receipt thereof, shall serve a notice and form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within twenty-one days after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the Commissioners of Her Majesty's Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

57. Assessment Committee may require Returns from Owner and Occupier. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him.

58. Penalty for no or False Returns. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

If any person wilfully makes or causes to be made a false return, he shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

MISCELLANEOUS.

59. Provision for Cases where no Guardians and where no Overseers. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians, the following provisions shall have effect:

- (1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board shall determine the assessment committee which is to act for such parish:
- (2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:
- (3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith:
- (4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit; and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers:
- (5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons; and sections sixty-six, sixty-seven, and

sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

60. Provision where Vestry are the Overseers. Where the vestry or the guardians of any parish perform the duties of overseers with respect to a valuation list under this Act the list shall be signed by the vestry clerk or the clerk of the guardians.

61. Guardians may appoint a paid Valuer to assist the Assessment Committee. The guardians may, upon the application of the assessment committee, after notice sent in the manner required by the principal Act, appoint some competent person to assist the committee in the valuation of the hereditaments in the union for such period as they see fit, at a salary or other settled remuneration, to be paid out of the common fund.

62. Assessment Committee and Overseers may give Security for Costs of Valuation. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation. An assessment committee may give such security and may appear on any appeal by their clerk, and shall indemnify the said clerk against all monies, losses, and costs paid or incurred by him in consequence of such security or appearance.

63. Use of Public Room for Appeals, etc. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act.

64. Evidence of Valuation List, etc. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced, and the clerk on application shall furnish a copy to any overseers on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately. A provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

65. Service of Notices, etc. by Post, etc. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or to their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

66. Publication of Notices by Overseers. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published.

67. Inspection, etc. of Documents deposited with Rate Books. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge.

68. Valuation Lists to be equivalent to Rate Books of Parish. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates, and on any appeal under this or any other Act, and on any other occasion if so required, on which they are bound to produce such rate books, and any overseer who fails to produce such list in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

The duplicate of the valuation list returned to the assessment committee by the clerk of the managers of the Metropolitan Asylum District, and other documents in the possession of the assessment committee in pursuance of this Act, shall be kept at the board room or other convenient place from time to time appointed by the guardians of the same union, but shall be deemed to be in the possession of the assessment committee, and shall be produced by their clerk to the district auditor whenever required by him.

69. Ratepayer, etc. may inspect Documents, etc. in Hands of Clerk of Managers or Assessment Committee. Any ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents which in pursuance of this Act are under the control of the clerk of the managers of the Metropolitan Asylum District, or of the clerk of the assessment sessions.

Any surveyor of taxes and any guardian and any overseer in a union, without payment, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any clerk of an assessment committee in the metropolis may inspect and take extracts from any valuation lists in the possession or under the control of the assessment committee of any other union in the metropolis.

Any person who hinders a ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

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70. Owner where rated to be in Position of Occupier. *Where the owner of any hereditament is liable to be assessed to or to pay any rate or tax in the place of the occupier, such owner shall for the purposes of this Act and the Acts incorporated herewith be deemed to be the occupier.*

71. Amendment of Error in Rate by two Justices. Any person who feels aggrieved by reason of any clerical or arithmetical error in a rate in the metropolis may apply to two justices of the peace or a magistrate sitting at any police court in the metropolitan police district, who, after the applicant has given such notice to the overseers who made the rate and such persons as such justices or magistrates think just, may hear the case in like manner as in the case of summary proceedings, and amend the rate so far as respects such error.

72. Omissions from the Rate. Whenever the name of any person liable to be rated at the time the rate is made is omitted from any rate in the metropolis, or if any person is described in any such rate by a wrong name, the overseers may, after giving to such person seven clear days' notice of their intention, apply to any two justices or any police magistrate as aforesaid, who may hear the case in like manner as in the case of summary proceedings, and insert the name so omitted, or correct the name so wrongly entered, and every such insertion and correction shall operate as if it had been part of the original rate: provided that any person whose name is so

inserted or corrected in any such rate may appeal against the same at the general quarter sessions of the peace which is holden next after such insertion or correction, in like manner as he might have appealed against the rate.

73. Form of Rate and Declaration. Every poor rate made in the metropolis after the fifth of April one thousand eight hundred and seventy-one shall contain the particulars specified in the Fourth Schedule to this Act, together with such other particulars as the Poor Law Board may from time to time by order direct, and the overseer shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding five pounds.

74. Amendment of 25 & 26 Vict. c. 103, s. 11. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

75. Saving of Powers to value Property not included in a Valuation List. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

76. Separate Assessment of Houses for Purposes of House Duty, Income Tax, and Licensing Acts. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under Schedule B of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

REPEAL OF ACTS.

77. Repeal of Acts herein described. The enactments specified in the Fifth Schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorises any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, where they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis: Provided—

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation :
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

FIRST SCHEDULE.

Date of Act.	Short title used in this Act.
10 Geo. 4, c. 44.	The Metropolitan Police Act.
5 & 6 Vict. c. 35.	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

SECOND SCHEDULE.

PART I.

VALUATION LIST for [THE PARISH OR PLACE FOR WHICH THE LIST IS MADE] in the Metropolitan Union of [or not being in Union] in the County of

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value as estimated by overseers.	Gross value as estimated by surveyor of taxes.	Rate of deduction per cent.	Rateable value.	Gross value as finally determined by Assessment Committee.	Rateable value as finally determined by Assessment Committee.

Signed this day of .

A.B. } Overseers of the poor of
C.D. } the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this day of .

A.B. } Members of the Assessment
C.D. } Committee of the
E.F. } Union.

Note.—The two last of the above columns (for gross and rateable value as determined by Assessment Committee) must be filled up, and the totals of those columns must be added up after the objections to the alterations have (if any) been heard, and before the list is finally approved.

PART II.

FORM OF CERTIFICATE WHERE NO SUPPLEMENTAL LIST IS SENT.

We, the overseers of the parish of , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A.B. } Overseers of the parish
C.D. } of .

THIRD SCHEDULE.

Showing the several classes into which the hereditaments inserted in a valuation list under this Act are to be divided.

		Maximum rate of deductions.
		Per cent. or proportion.
Class 1.	Houses and buildings, or either of them, without land other than gardens where the gross value is under 20%.	25 or $\frac{1}{4}$ th.
„ 2.	Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 20% and under 40%.	20 or $\frac{1}{5}$ th.
„ 3.	Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 40% or upwards.	$16\frac{2}{3}$ or $\frac{1}{6}$ th.
„ 4.	Buildings without land which are not liable to inhabited house duty and are of a gross value of 20% and under 40%.	20 or $\frac{1}{5}$ th.
„ 5.	Buildings without land which are not liable to inhabited house duty and are of a gross value of 40% or upwards.	$16\frac{2}{3}$ or $\frac{1}{6}$ th.
„ 6.	Land with buildings not houses.	10 or $\frac{1}{10}$ th.
„ 7.	Land without buildings.	5 or $\frac{1}{20}$ th.
„ 8.	Mills and manufactories.	$33\frac{1}{3}$ or $\frac{1}{3}$ rd.
„ 9.	Tithes, tithe commutation rentcharge, and other payments in lieu of tithe.	To be determined in each case according to the circumstances and the general principles of law.
„ 10.	Railways, canals, docks, tolls, waterworks, and gasworks.	
„ 11.	Rateable hereditaments not included in any of the foregoing classes.	

The maximum rate of deductions prescribed in this schedule shall not apply to houses or buildings let out in separate tenements, but the rate of deductions in such cases shall be determined as in classes 9, 10, and 11.

FOURTH SCHEDULE.

FORM OF RATE.

RATE for the RELIEF of the POOR of the Parish of _____ in the _____ Union, and for other purposes chargeable thereon, according to law made this _____ day of _____ in the year of our Lord 18____, after the rate of _____ in the pound, which is estimated to meet all the expenses for the above purposes which will be incurred before the _____ of _____ next.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rateable value.	Rate at in the pound.

WE, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation (Metropolis) Act, 1869, and now in force in this parish (or township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list, and do declare that the total of the above rate amounts to

pounds	shillings and	pence
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_____ } Churchwardens.

_____ }

_____ } Overseers.
_____ }

43 Geo. 3, c. 161.	An Act for repealing the several duties under the management of the Commissioners for the Affairs of Taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said Commissioners for the Affairs of Taxes, and also new duties on persons selling carriages by auction or on commission .	} in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
48 Geo. 3, c. 55.	An Act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates and granting new duties in lieu thereof, to be placed under the management of the Commissioners for the Affairs of Taxes	} in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
57 Geo. 3, c. 25.	An Act to explain and amend an Act made in the forty-eighth year of His present Majesty for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof; and to exempt such dwelling-houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act	} in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
10 Geo. 4, c. 44.	An Act for improving the police in and near the metropolis	} in part, namely,—
	So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive.	
6 & 7 W. 4, c. 96.	An Act to regulate parochial Assessments	} in part, namely,—
	Sections one, two, six, seven, and nine.	

5 & 6 Vict. c. 35.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five (in this Act called the Income Tax Act). Section sixty. No. I. No. II. par. 1, 3. No. IV. par. 2, 4. No. V. (so far as respects the deductions allowed by this Act). Section sixty-three. No. X. par. 1, 2, 3, 4. Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.	in part, namely,—
14 & 15 Vict. c. 36.	An Act to repeal the duties payable on dwelling-houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act). So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	in part, namely,—
15 & 16 Vict. c. 81.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act). So much of sections one to twenty, both inclusive, as relates to the preparation of a basis or standard of county rate for any part of the metropolis, and sections forty to forty-three, both inclusive.	in part, namely,—
16 & 17 Vict. c. 34.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices. Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	in part, namely,—
18 & 19 Vict. c. 120.	An Act for the better local management of the metropolis (Metropolis Management Act, 1855). So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive.	in part, namely,—
20 & 21 Vict. c. 64.	An Act for raising a sum of money for building and improving stations of the metropolitan police, and to amend the Acts concerning the metropolitan police. Sections eleven and twelve.	in part, namely,—
21 & 22 Vict. c. 33.	An Act for the better management of county rates. Section one.	in part, namely,—
25 & 26 Vict. c. 102.	An Act to amend the Metropolis Local Management Acts (The Metropolis Management Amendment Act, 1862). So much of sections six, seven, and thirteen as authorizes or relates to the ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive, and so much of any Act as applies the provisions hereby repealed.	in part, namely,—

25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862 {	in part, namely,—
	Sections three, fourteen, fifteen, the following words in section seventeen, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, section twenty-eight down to "schedule hereunto annexed," sections twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty-one, forty-two, forty-three, and forty-five.	
27 & 28 Vict. c. 39.	The Union Assessment Committee Amendment Act, 1864 {	in part, namely,—
	Sections one, nine, and eleven.	
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the Inland Revenue {	in part, namely,—
	Section seventeen, so far as it relates to the value of property.	
29 & 30 Vict. c. 78.	The County Rate Act, 1866 {	in part, namely,—
	Section one.	
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868 {	in part, namely,—
	Sections thirty, thirty-one, thirty-two, and thirty-eight.	

POOR RATE ASSESSMENT AND COLLECTION ACT, 1869.

(32 & 33 VICT. c. 41.)

(*Extracts.*)

1. Occupiers of Tenements Let for Short Terms may deduct the Poor Rate paid by them from their Rents. The occupier of any rateable hereditament let to him for a term not exceeding three months shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

2. Amount of Rate payable by Occupier. No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year.

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3. Owners may agree to pay the Rate, and be allowed a Commission. In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situate in the metropolis, or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere, and the owner of such hereditament is willing to enter into an agreement in writing with the overseers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof.

4. Vestries may order the Owner to be rated instead of the Occupier. The vestry of any parish may from time to time order that the owners of all rateable

hereditaments to which section three of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments, instead of the occupiers, on all rates made after the date of such order; and thereupon and so long as such order shall be in force the following enactments shall have effect:

1. The overseers shall rate the owners instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate:
2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated:
3. The vestry may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect:

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling-house shall not be included.

9. Owners to give Lists of Occupiers, and liable to Penalty for Wilful Omission.

Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

13. Owner may appeal against Valuation List and Rate. Every owner of any hereditament for the rates of which he has become liable shall have the same right of appeal (subject to the same conditions and consequences) against the valuation lists and the poor rates as if he were the occupier thereof.

PETROLEUM ACT, 1871.

(34 & 35 VICT. c. 105.)

(*Extracts.*)

3. Definition of "Petroleum" and Application of Act. For the purposes of this Act the term "petroleum" includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils; and the term "*petroleum to which this Act applies*," means such of the petroleum so defined as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer. 414

7. Regulations as to Storage of Petroleum. Save as herein-after mentioned, after the passing of this Act petroleum to which this Act applies shall not be kept, except in pursuance of a licence given by such local authority as is in this Act mentioned. 529 51

All petroleum kept in contravention of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto the occupier of the place in

which such petroleum is so kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which such petroleum is so kept.

This section shall not apply to any petroleum kept either for private use or for sale, provided the following conditions are complied with :

- (1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped :
- (2.) That the aggregate amount kept, supposing the whole contents of the vessels to be in bulk, does not exceed three gallons.

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8. (part of) Definition of Local Authority. The following bodies shall respectively be the local authority to grant licences under this Act in the districts herein-after mentioned ; (that is to say,)

- (1.) In the City of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said City :
- (2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the City of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works :

9. Mode of granting Licences. Licences in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licences, if any, granted by such authority are executed. Licences may be granted for a limited time and may be subject to renewal or not in such manner as the local authority think necessary.

There may be annexed to any such licence such conditions as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which petroleum to which this Act applies is to be stored, the facilities for the testing of such petroleum from time to time, the mode of carrying such petroleum within the district of the licensing authority, and generally as to the safe keeping of such petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his licence shall be deemed to be an unlicensed person. There may be charged in respect of each licence granted in pursuance of this Act such sum, not exceeding five shillings, as the local authority may think fit to charge.

10. In Case of Refusal of Licence the Applicant may Memorialise Secretary of State or Lord Lieutenant. If on any application for a licence under this Act the local authority refuse the licence, or grant the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the licence or annexed conditions to the grant thereof.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to a Secretary of State if the application is for a licence in England or Scotland, and to the Lord Lieutenant if the application is for a licence in Ireland, together with a memorial, praying that notwithstanding such refusal the licence may be granted, or that the conditions may not be imposed or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, or the Lord Lieutenant, if he think fit, on consideration of such memorial and certificate, and, if he think it necessary or desirable, after due inquiry and a report by such person as he may appoint for that purpose, to grant the licence prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority ; and the licence so granted, or altered and modified, as the case may be, when certified under the hand of a Secretary of State, or the Lord Lieutenant, shall be to all intents as valid as if granted by the local authority.

14. (Act may, by Orders in Council, be made applicable to other substances.)

METROPOLIS MANAGEMENT AND BUILDING ACTS
AMENDMENT ACT, 1878.

(41 & 42 VICT. c. 32.)

(Extracts.)

PART I.

11. Power to Board in certain Cases to require Proprietors of Theatres and certain Music-halls in use at the Time of the passing of this Act to remedy Structural Defects. Whenever it appears to the Board that any house or other place of public resort within the metropolis which was at the time of the passing of this Act authorized to be kept open for the public performance of stage plays, and which is kept open for such purpose, under the authority of letters patent from Her Majesty, her heirs and successors or predecessors, or of a licence granted by the Lord Chamberlain of Her Majesty's Household for the time being, or by justices of the peace, or that any house, room, or other place of public resort within the metropolis, containing a superficial area for the accommodation of the public of not less than five hundred square feet, which was at the time of the passing of this Act authorized to be kept open, and which is kept open, for dancing, music, or other public entertainment of the like kind, under the authority of a licence granted by any court of quarter sessions, is so defective in its structure that special danger from fire may result to the public frequenting the same, then and in every such case the Board may, with the consent of the Lord Chamberlain in the case of theatres under his jurisdiction, and of Her Majesty's Principal Secretary of State in all other cases, if in the opinion of the Board such structural defects can be remedied at a moderate expenditure, by notice in writing require the owner of such house, room, or other place kept open for any of the purposes aforesaid, under such authority as aforesaid, to make such alterations therein or thereto as may be necessary to remedy such defects, within a reasonable time to be specified in such notice; and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid, he shall be liable to a penalty not exceeding fifty pounds for such default, and to a further penalty of five pounds for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues: Provided always, that any such owner may, within fourteen days after the receipt of any such notice as aforesaid, serve notice of appeal against the same upon the Board, and thereupon such appeal shall be referred to an arbitrator to be appointed by Her Majesty's First Commissioner of Works at the request of either party, who shall hear and determine the same, and may, on such evidence as he may think satisfactory, either confirm the notice served by the Board, or may confirm the same with such modifications as he may think proper, or refuse to confirm the same, and the decision of such arbitrator with respect to the requirements contained in any such notice, and the reasonableness of the same, and the persons by whom and the proportions in which the costs of such arbitration are to be paid, shall be final and conclusive and binding upon all parties.

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In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

12. Power to Board to make Regulations with respect to new Theatres and certain new Music-halls for Protection from Fire. The Board may from time to time make, alter, vary, and amend such regulations as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the metropolis to be kept open for the public performance of stage plays, and of houses, rooms, or other places of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open for public dancing, music, or other public

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entertainment of the like kind, under the authority of letters patent from Her Majesty, her heirs or successors, or of licences by the Lord Chamberlain of Her Majesty's Household, or by any justices of the peace, or by any court of quarter sessions, which may be granted for the first time after the passing of this Act; and may by such regulations prescribe the requirements as to position and structure of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof; provided that the Board may from time to time in any special case dispense with or modify such regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

The Board shall, after the making, altering, varying, or amending of any such regulations, cause the same to be printed, with the date thereof, and a printed copy thereof shall be kept at the office of the Board, and all persons may at all reasonable times inspect such copy without payment, and the Board shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment by such person of any sum not exceeding five shillings for every such copy.

A printed copy of such regulations, dated and authenticated by the seal of the Board, shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same, without adducing proof of such seal or of the fact of such making.

From and after the making of any such regulations it shall not be lawful for any person to have or keep open any such house, room, or other place of public resort for any of the purposes aforesaid, unless and until the Board grant to such person a certificate in writing under their seal, to the effect that such house, room, or other place was on its completion in accordance with the regulations made by the Board in pursuance of the provisions of this Act for the time being in force, and in so far as the same are applicable to such house or other place, and to the conditions (if any) annexed thereto by the Board.

In case any such house, room, or place of public resort is opened or kept open by any person for any of the purposes aforesaid, contrary to the provisions of this enactment, such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

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13. Provisional Licence for new Premises. A person interested in any premises about to be constructed, or in course of construction, which are designed to be licensed and used within the metropolis for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind, may apply to the licensing authority for the grant of a provisional licence in respect of such premises. The grant of such provisional licence shall, in respect of the discretion of the licensing authority and procedure, be subject to the same conditions as those applicable to the grant of a like licence which is not provisional. A provisional licence so granted shall not be of any force until it has been confirmed by the licensing authority; but the licensing authority shall confirm the same on the production by the applicant of a certificate by the Board that the construction of the premises has been completed in accordance with the regulations and conditions made by the Board as herein-before provided, and on being satisfied that no objection can be made to the character of the holder of such provisional licence.

PART III.

21. Power for Architect and Persons authorised by Board, and District Surveyor, to enter and inspect Theatres, Music-halls, Buildings, and Works. The architect of the Board, and any other person authorized by the Board in writing under their seal, may, at all reasonable times after completion or during construction, enter and inspect any house, room, or other place kept open or intended to be kept open for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind affected by any of the provisions of this Act, or of any regulations made in pursuance thereof; and the district surveyor of any district may at

all reasonable times during the progress and the three months next after the completion of any house, building, erection, or work in such district affected by and not exempted from any of the provisions of this Act, or by any byelaw made in pursuance of this Act, or by any terms or conditions upon which the observance of any such provisions or any of such byelaws may have been dispensed with, enter and inspect such house, building, erection, or work; and if any person refuses to admit such architect, person, or surveyor, or to afford him all reasonable assistance in such inspection, in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds. 525

22.¹ Power to Owners, etc. to enter Houses, etc. to comply with Notices or Order. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder, or person in respect of any house, building, or other erection, room, or place, such owner, builder, or person, his servants, workmen, and agents, may, after giving seven days' notice in writing to the occupier of such house, building, or other erection, room, or place, and on production of such notice or order, enter such house, building, or other erection, room, or place, and do all such works, matters, and things therein or thereto, or in connexion therewith, as may be necessary; and if any person refuses to admit such owner, builder, or person, or his servants or workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding twenty pounds.

23. Recovery of Penalties. Every penalty imposed by Part I. and Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and the Acts amending the same; *and every penalty imposed by Part II. of this Act, or by any byelaw made in pursuance thereof, may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855, and the Acts amending the same:* Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings. 525

24. Exceptions from Metropolis Management Acts extended to this Act. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

26. Act not to apply to the Inner and Middle Temple etc. Nothing in this Act, *or in any byelaw of the Board thereunder*, shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of St. Peter, Westminster. 525

27. Saving Rights of the Crown and the Duchy of Lancaster. Nothing contained in this Act, *or in any byelaw thereunder made*, shall apply to or shall authorize or empower the Board, or any vestry, district board, or district surveyor, to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of her Crown, or in right of her Duchy of Lancaster, without the consent in writing of the Commissioners for the time being of Her Majesty's woods, forests, and land revenues, or one of them, on behalf of Her Majesty, in right of her Crown, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorized to give), or without the consent in like manner of the Chancellor of the said Duchy, on behalf of Her Majesty, in right 525

¹ Repealed by the 1894 Building Act so far as it relates to a notice or order served or made under any provision repealed by such Act. 525

of her said Duchy ; neither shall anything contained in this Act, *or in any byelaw thereunder made*, extend to divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors, in right of her Crown, or in right of her said Duchy ; and nothing contained in Part I. of this Act shall apply to the extension of Savoy Street or the bridge which the Chancellor and Council of the said Duchy are by the Metropolitan Board of Works (Various Powers) Act, 1875, empowered to make and construct, or to any house or building within the precinct of the Savoy, or upon the land mentioned in section six of the last-mentioned Act, constructed or extended after the passing of this Act, in or abutting upon any road, passage, or way existing, formed, or laid out at the time of the passing of this Act.

METROPOLIS MANAGEMENT (THAMES RIVER PREVENTION OF FLOODS) AMENDMENT ACT, 1879.

(42 & 43 VICT. C. CCXCVIII.)

(*Extracts.*)

PRELIMINARY.

1. Short Title. This Act may for all purposes be cited as the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

2. Interpretation of Terms. In the construction of this Act the following words and expressions have the following meanings, unless excluded by the subject or context ; (that is to say,)

The expression "the principal Act" means the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1856, and the Metropolis Management Amendment Act, 1862 :

The expression "the Secretary of State" means one of Her Majesty's Principal Secretaries of State :

The expression "the Board" means the Metropolitan Board of Works :

The expression "person" includes any corporation, whether aggregate or sole :

The expression "River Thames" includes the rivers, streams, and watercourses within the flow and re-flow of the tides of the said river within the limits of this Act :

The expression "bank" and the expression "dam" includes any bank, wall, fence, wharf, dock, lock, gate, sluice, dam, or defence, or appliance, whether of a moveable, temporary, fixed, or permanent character, for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames :

The expression "flood works" means the entire or partial construction, alteration, reconstruction in the same or any altered position of any bank, and the repairing, raising, strengthening, improvement, or removal of any bank, and the enlargement, contraction, raising, lowering, arching over, improvement, or alteration of any sewer, channel, or watercourse, and the discontinuance, closing up, or destruction of any such sewer, channel, or watercourse necessary for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames :

The expression "lands" includes messuages, buildings, erections, banks, lands, tenements, and hereditaments of any tenure, and rights and easements in, over, under, or in respect of the same :

The expression "street," in addition to the meaning assigned to the same term by

the principal Act, includes the carriageway of any turnpike road and any county bridge and any place laid out as a street :

The expression "premises" includes lands and streets :

The expression "owner" means (except where otherwise expressly provided) the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent, and includes any commissioners, trustees, or other persons or person in whom the premises in connexion with which the said word is used are vested, or who are charged with the control or management of the same. 12

3. Limits of Act. The limits of this Act shall extend to the metropolis as defined by the principal Act. 355

4. Construction of Acts. The principal Act, as amended by this Act, and this Act shall be read and construed together as one Act.

EXECUTION OF WORKS.

5. Flood Works not to be executed except in accordance with Plans. From and after the passing of this Act the execution of all flood works shall be subject to and in accordance with such plans as the Board may from time to time cause to be prepared in pursuance of this Act, or with such plans or specification as the Board may from time to time approve, and such works shall be carried on and completed to the satisfaction of the Board, and save as aforesaid no such works shall be commenced, carried on, or completed. 29 572

6. Bodies and Persons liable to provide for Execution of Flood Works. Subject to the provisions and limitations in this Act contained, the following bodies and persons shall be liable to provide for the execution of all flood works which may from time to time in the opinion of the Board be necessary for the protection of premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames ; (that is to say,)

In respect of all such works to be executed upon any premises vested in or subject to the control and management of the Commissioners of Sewers of the City of London, the vestry of any parish mentioned in Schedule A to the principal Act, or the board of works of any district mentioned in Schedule B to the principal Act, such Commissioners, vestry, or board of works :

In respect of all other such works the owners of the premises upon which the same are to be executed :

Where any such works are to be executed through, along, over, or under any part of the bed or soil of the River Thames immediately connected with any premises, such works shall be deemed to be works to be executed upon such premises.

7. Board to make Plan of necessary Flood Works, and serve Notice of the Making thereof upon Commissioners of Sewers of the City of London, Vestries, District Boards, and Owners affected thereby. The Board, as soon as may be after the passing of this Act, shall cause a plan to be prepared showing the line and level of the flood works which are in their opinion immediately necessary for effectually protecting all premises within the limits of this Act which in their judgment require protection from floods or inundations caused by the overflow of the River Thames ; and when such plan has been prepared the Board shall cause notice of the preparation thereof to be served upon the Commissioners of Sewers of the City of London and upon the vestry of every parish and the board of works for every district in which any of the works shown on such plan are proposed to be executed, and upon every owner of premises liable to provide for the execution of any of the same, and shall together therewith cause two copies of such part of such plan as relates to any of such works in respect of the execution of which such Commissioners, vestry, board of works, and owner are or is liable respectively to provide to be transmitted to them or him respectively, together with such

sections, estimates, and other information relating to such copies as aforesaid as they may think proper; and the Board shall by such notice require such Commissioners, vestry, district board, or owner to inform the Board within twenty-eight days after the receipt of the same whether they or he intend or intends to execute to the satisfaction of the Board the works shown on the copies of such parts of such plan respectively, and for the execution of which such Commissioners, vestry, district board, or owner are or is respectively liable to provide, or whether they or he object or objects to execute such works, and the reasons for such objection.

If the Commissioners of Sewers of the City of London, the vestry of any parish, board of works for any district, or any owner or owners give notice to the Board of their or his objection to execute any flood works in manner aforesaid, and of the reasons for such objection, the Board shall, during the twenty-eight days next after the receipt thereof, consider such objection and reasons, and shall as soon as may be after the expiration of such last-mentioned period of twenty-eight days make such order in relation thereto as the Board may think just, and may by such order make any modification or alteration in such flood works, and shall transmit a copy of such order to the body or person making such objection.

In case the Board by any such order make any modification or alteration in the flood works so objected to as aforesaid, they shall amend the plan prepared in manner aforesaid so as to show thereon such modification or alteration, and in such case they shall transmit to the body or person by whom such objection was made two copies of the part of such plan so amended, together with such order.

The Board shall cause a copy of such plan showing all amendments made therein to be kept at their office, and the Commissioners of Sewers, the vestry of every parish, and the board of works of every district to which copies of any part of such plan or of any amendments therein have been transmitted as aforesaid shall cause one of such copies to be kept at their office, and all persons may at all reasonable times inspect any such copy without payment.

8. Limitation of Powers as to Works. Nothing in this Act contained shall authorize the Board, notwithstanding the general definition of the term bank and flood works, to direct the execution of any works other than such as are necessary for the protection of lands within the limits of this Act from floods and inundations caused by the overflow of the River Thames, and the Board shall have no authority under this Act to prescribe or order any works for any other purpose, or any works for the embankment of the River Thames, or any part thereof, in the nature of the various embankments heretofore executed by the Board under the authority of any special Act of Parliament.

9. Powers of Board as to Flood Works of a Temporary Character. Where in the opinion of the Board the erection of a dam of a fixed or permanent character on any premises would materially interfere with the transaction of the business carried on upon the river side of such premises, the Board may, instead of ordering such works of a fixed or permanent character, by order authorize and require the erection of a temporary or moveable dam, subject to such regulations, restrictions, and conditions with respect to the fixing, removing, and maintenance of the same as the Board may from time to time think necessary; and the Board may by any such regulations, restrictions, and conditions authorize the temporary removal of any such dam during such times as they may think proper, and may prohibit the removal or alteration of the same, except during such times and in such manner as to them may seem necessary or proper.

10. Penalty for Breach of Regulations, etc. as to Temporary Works. Where the Board have ordered the erection of any dam of a temporary or moveable character subject to any regulations, restrictions, or conditions, any person making default in the due observance or committing a breach of any of the same shall be liable to a penalty not less than twenty pounds and not exceeding fifty pounds, and in case of a continuing offence to a further penalty not less than twenty pounds and not exceeding fifty pounds for each day after the first during which such default or breach continues; but, save as aforesaid, such person shall not be liable to any

penalty or damages or to pay any compensation by reason or in respect of any such default or breach.

11. Power to Commissioners of Sewers of City of London, Vestry, or District Board to execute Flood Works. The Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district within the limits of this Act may, within twenty-eight days after the receipt of the copy or copies of such part of such plan transmitted to them as aforesaid, if they have not made any objection to execute the flood works shown on such copy, or if they have made any such objection, within twenty-eight days after the receipt by them of the order of the Board made after consideration of such objection, give notice in writing to the Board of their intention to execute to the satisfaction of the Board the flood works shown on such copy, and for the execution of which such Commissioners, vestry, or district board are liable to provide, and thereupon such Commissioners, vestry, or district board may proceed to execute such works in accordance with such copy, under the authority and with the powers by this Act conferred.

12. Power to Owner or Owners liable to execute Flood Works. Any owner or owners of premises who is or are liable to provide for the execution upon such premises of any flood works shown on any copy or copies of any part or parts of such plan transmitted to him or them as aforesaid, may within twenty-eight days after the receipt of the copy or copies of such part or parts of such plan as aforesaid, if he or they have not made any objection to execute the flood works shown on such copy or copies, or if he or they have made any such objection, within twenty-eight days after the receipt by him or them of the order of the Board made after consideration of such objection, give notice to the Board of his or their intention singly or jointly to execute to the satisfaction of the Board such works as shown on such copy or copies, and thereupon such owner or owners may, subject to the provisions of this Act, singly or jointly enter upon any such premises and proceed to execute such works in accordance with such copy or copies, under the authority and with the powers by this Act conferred.

13. Power to Board to execute Flood Works in case of Default of Commissioners of Sewers of City of London, Vestry, District Board, or Owner. If the Commissioners of Sewers of the City of London, or any vestry, district board, or any owner of premises, neglect during twenty-eight days after the receipt of the copy of any part of such plan as aforesaid, if they or he have not made any objection, to execute the flood works shown on such copy, or if they or he have made any such objection, during twenty-eight days after the receipt by them or him of the order of the Board made after consideration of such objection, neglect to give such notice as aforesaid to the Board, or within twenty-eight days thereafter neglect to begin to execute any flood works shown on such copy, and for the execution of which such Commissioners, vestry, district board, or owner are liable to provide, or fail to carry on or complete such works, when begun, with all reasonable despatch and to the satisfaction of the Board, then and in every such case the Board may, subject to the provisions of this Act, cause the same to be executed, carried on, or completed, and may for such purpose themselves and by their officers, servants, and workmen enter upon such premises and do all such acts, matters, and things as may be necessary for the execution of such works.

14. Powers for Execution of Flood Works. The Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises, in the execution of any flood works, in accordance with the provisions of this Act, may carry the same through, along, across, or under any street, or through, along, across, or under any cellar or vault which may be under the pavement of any street, and into, through, along, across, upon, or under any lands, and may for such purpose enter upon any such cellar, vault, and lands, and any premises in the vicinity of or adjoining the same or connected therewith, compensation being made for any damage done thereby in manner provided by this Act.

15. Powers of Board to take Lands. Where for the purpose of executing any flood works in accordance with the provisions of this Act it is in the opinion of the

Board necessary that the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises liable under this Act to provide for the execution of such works, should take and use any premises not vested in them or subject to their control or management, or of which they or he are or is not the owner, or that the Board for the purpose of executing such works in place of them or him should take and use such last-mentioned premises, then and in every such case the Board may take and use any such last-mentioned premises which may be required for the purpose of executing such works, and the Board shall for such purpose have and may exercise all the powers of taking land conferred upon the Board by the principal Act in relation to the taking of lands for works for the purpose of the sewerage or drainage of the metropolis.

For the purposes of notices required by the principal Act to be served upon owners or reputed owners of lands before applying for the consent of the Secretary of State to the taking of lands compulsorily, the term "owner" shall, in relation to premises to be taken for the purposes of this Act, have the same meaning as in the Lands Clauses Consolidation Act, 1845.

When the Board have taken any premises under the authority of this Act, they may by writing under their seal authorize the Commissioners of Sewers, the vestry of any parish, the board of works for any district, and any owner to take or use the same for the execution of any flood works in accordance with the provisions of this Act, and thereupon such Commissioners, vestry, district board, or owner may for such purpose take and use such premises or any of them, and shall in respect of the same have all and the same powers as though they or he were or was the Board.

16. Power to construct Flood Works on the Shores and Bed of the River Thames. For the purpose of executing any works under the authority of this Act, the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, and any owner of premises liable to execute flood works, may, subject to the provisions of this Act, construct any such works through, along, over, or under the bed and soil and banks and shores of the River Thames : Provided always, that no such work shall be constructed in or upon the bed or shore of the River Thames as defined by the Thames Conservancy Act, 1857, except with the permission of the Conservators of the said river, and under a licence to be granted by the said Conservators in accordance with the provisions of the said last-mentioned Act.

17. Provision as to certain Dock Companies. Notwithstanding anything in this Act, the following provisions shall apply and shall be the only provisions of this Act which shall apply to the execution of flood works in the case of or with reference to the following dock companies and their respective undertakings ; that is to say, the London and Saint Katherine Docks Company, the Surrey Commercial Dock Company, the Millwall Dock Company, and the East and West India Docks Company :

(a.) If the Board are of opinion that it is necessary for the protection of any lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames that the height or level of any bank of any such dock company should be raised, they may by notice in writing under the hand of the chairman or engineer for the time being of the Board, to be served upon the secretary or left at the chief office of the company, require that the height or level of such bank shall be raised by the company to such an extent as the Board think necessary and shall specify in the notice ; and if the company do not within one month after the service of the notice upon them as aforesaid give such notice to the Board as is herein-after mentioned, the Company shall with all convenient speed raise the height or level of such bank to the extent specified in the notice.

(b.) Within the said period of one month the company may give notice in writing to the Board that they consider the requirement of the Board to be

unnecessary in whole or in part for the purpose of such protection as aforesaid, and that they desire that the question whether such requirement is or is not necessary shall be determined by arbitration, and thereupon, upon the application either of the company or the Board, the Board of Trade may appoint a competent and impartial engineer as arbitrator to determine the question.

- (c.) The arbitrator by his award may direct that the height or level of any bank specified in the notice of the Board shall be raised by the company to such an extent as he may consider necessary, and the company shall with all reasonable speed comply with any such direction of the arbitrator. If the arbitrator is of opinion that the requirements of the Board are unnecessary in whole or in part, he shall so certify. The award of the arbitrator shall be final and conclusive, and the costs of the arbitration shall be in his discretion.

18. Power to inspect Lands. For the purpose of giving effect to the provisions of this Act, any engineer, surveyor, district surveyor, or other person duly authorized in writing by the Board or by the Commissioners of Sewers of the City of London, or by the vestry of any parish, or by the board of works for any district, or by any owner of premises liable to execute flood works, or the owner of such premises, may enter upon any premises upon which any works executed or to be executed by them or him in pursuance of this Act are or will be situate, for the purpose of inspecting or taking surveys of the same, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon; and if any person during such hours refuses to allow such engineer, surveyor, district surveyor, or other officer or person, or any such owner, to enter upon any such premises, or obstructs him in the making of such inspection or survey, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day after the first day during which he so continues to act in contravention of this Act.

19. Flood Works upon the Shore of the River Lee to be approved by the Lee Conservancy Board. In order to preserve the navigation of the River Lee, the plan of any flood works to be constructed under the authority of this Act through, along, over, or under the bed or soil or banks or shores of the River Lee within the limits of the jurisdiction of the Lee Conservancy Board under the Lee Conservancy Act, 1868, which may interfere with the free navigation of the said river, shall be approved by the Lee Conservancy Board in writing under their common seal before such works are commenced, certifying that the works according to such plan will not interfere with the free navigation of the said river, and thereupon such works shall only be executed in accordance with such plan, and no alteration shall thereafter be made in such plan, except with the approval of the Lee Conservancy Board in writing under their common seal as aforesaid.

20. Saving Rights of the Lee Conservancy Board. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights of the Lee Conservancy Board, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the Lee Conservancy Board did or might lawfully claim, use, or exercise, so far as such rights, power, authority, or jurisdiction may be exercised, or for the preserving of the free navigation of the River Lee.

21. Saving Rights of the Commissioners of Sewers for Havering and other Levels. Except in so far as may be necessary for the due execution of this Act, nothing in this Act contained shall affect, alter, abridge, or interfere with any of the rights or powers at the time of the passing of this Act vested in the Commissioners of Sewers for the levels of Havering, Dagenham, Ripple, Barking, East Ham, West Ham, Leyton, and Walthamstow, and for the respective borders and confines thereof near to the same, as the same are respectively standing, lying, running, and being in the respective counties of Essex, Middlesex, and Kent, and except in so far as the said rights and powers are varied by or are inconsistent with the provisions of this Act they shall continue in full force.

MAINTENANCE OF BANKS.

22. Maintenance and Repair of Banks. The bodies and persons by this Act liable to provide for the execution of flood works upon any premises shall respectively be liable to maintain and repair the banks upon the same, and shall for the purpose of such maintenance and repair, in accordance with any plan or specifications approved of by the Board, have all and the same powers and be subject to all and the same conditions as are by the preceding provisions of this Act conferred and imposed upon them respectively with respect to the execution of flood works in accordance with plans by the Board.

23. Penalty for Alteration of Banks without Consent of Board. From and after the passing of this Act, if any person make any alteration to any bank so as to affect the security of the premises upon which the same is situate, or of any other premises adjacent or near thereto, from flooding caused by the overflow of the River Thames, without the previous sanction in writing of the Board, such person shall be liable to a penalty not exceeding ten pounds, and in the case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first day after the making of such alteration until the same be sanctioned by the Board as aforesaid, or if the same is not so sanctioned until such bank be restored to its former condition to the satisfaction of the Board.

29 **24. Survey and Repair of dangerous or insufficient Banks and maintenance and repair of same.** Whenever it is made known to the Board that any bank in any parish or in any district within the limits of this Act is out of repair, dangerous, or insufficient for the effectual protection of any premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames, they shall require a survey of such bank to be made by the district surveyor or by some other competent surveyor, and it shall also be the duty of the district surveyor to make known to the Board any information he may receive with respect to any bank being in such state as aforesaid :

Upon completion of his survey such district or other surveyor shall certify to the Board his opinion as to the state of any such bank as aforesaid :

If such certificate is to the effect that such bank is not out of repair, dangerous, or insufficient for the purposes aforesaid, no further proceedings shall be had in respect thereof ; but

If it is to the effect that such bank is out of repair, dangerous, or insufficient for the purposes aforesaid, the Board shall cause notice thereof to be served upon the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district, or owner of premises liable to execute flood works in relation thereto, specifying the flood works which are in their opinion necessary for repairing such bank, removing any cause of danger in relation thereto, or rendering the same sufficient for the purposes aforesaid, (which works are in this Act referred to as "works of maintenance,") and transmitting therewith a plan showing the line and level of the same, and such sections, estimates, and other information relating to the same as they may think proper, and thereupon all the preceding provisions of this Act as to the giving notices to the Board in relation to the execution of such works, and to objections as to the mode of such execution, and to the execution of such works, shall extend and apply to the giving of notices to the Board in relation to the execution of such works of maintenance, and to objections as to the mode of such execution, and to the execution of such works of maintenance, in like manner in every respect as though such works of maintenance had been works shown on the plan referred to in such preceding provisions and prepared by the Board immediately after the passing of this Act as aforesaid.

COMPENSATION.

30 **25. Mode of ascertaining Amount of Compensation for Damages caused by execution of Flood Works, etc.** Any person or body who claims compensation for any damage caused by the execution of any flood works under the authority of this Act,

or in respect of any lands or any interest in lands taken or used for the purposes of or injuriously affected by the execution of flood works under the authority of this Act, may claim such compensation from the Board ; and if such person or body and the Board do not agree with respect to such claim, then and in every such case the validity of such claim and the amount of compensation (if any) payable in respect thereof shall, on the application of either party, be determined by arbitration by the standing arbitrator herein-after referred to, subject to and in accordance with the provisions of this Act, and such provisions shall be in substitution for the provisions with respect to the tribunal for determining the settlement of questions of disputed compensation contained in the principal Act or any Act incorporated therewith, and the amount of compensation payable in respect of any such claim, when agreed upon or determined as aforesaid, shall be paid by the Board as though the same were compensation payable in respect of lands taken under the authority of the principal Act : Provided always, that the owner or occupier of any lands shall not be entitled to any compensation on account of the execution by himself or by any other person or body of any flood works for which such owner is in pursuance of this Act liable to provide upon any lands of which he is the owner or occupier unless after the execution of such works such lands are permanently injuriously affected thereby, and then only to the extent of such permanent injury.

26. Powers of Standing Arbitrator as to Amount of Compensation. When any claim is made for compensation under the authority of this Act the standing arbitrator shall have power to decide upon the validity of such claim, and to determine what (if any) compensation shall be made to the person or body making such claim, and in adjudicating upon such claim the standing arbitrator shall have regard to the nature of the flood works with respect to which the claim has arisen, the manner in which the same have been executed, the benefit (if any) which has accrued or which may reasonably be expected to accrue to the person or body making such claim by reason of the execution of such works, and generally to all the circumstances of the case ; and the standing arbitrator may, in determining the compensation to be paid for any lands or interest in lands taken or injuriously affected under the authority of this Act, according as he shall think fit, include in or exclude from such compensation an allowance in respect of the compulsory powers of this Act, and he may make such order as to the payment of the costs of such arbitration wholly or in part by the Board or the claimant, as he shall think just.

27. Appointment of Standing Arbitrator. For the purpose of determining the validity of claims for compensation and the amount of compensation payable in respect of any claim declared to be valid by this Act directed to be settled by arbitration, there shall be an arbitrator, in this Act called the "standing arbitrator," appointed and acting as follows ; (that is to say,)

- (1.) The Secretary of State shall before the 31st day of December in the year 1879, and before the same day of December in every third succeeding year, by writing under his hand appoint a standing arbitrator and fix the remuneration to be paid to him, and every person so appointed shall continue in office for three years from such 31st day of December in such years respectively :
- (2.) Any standing arbitrator may be removed from his office by the Secretary of State by writing under his hand :
- (3.) If any standing arbitrator during his term of office dies or resigns or is removed from office, the Secretary of State shall in manner aforesaid, within one month after notice of his death or resignation or removal, appoint another person to be a standing arbitrator in his place, and the person so appointed shall continue in office as long only as the person in whose place he is appointed would have been entitled to continue in office :
- (4.) The remuneration of the standing arbitrator shall be paid by the Board.

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a justice make and subscribe the following declaration ; (that is to say,)

"I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and

“to the best of my skill and ability, hear and determine all matters which may
 “from time to time be referred to me under the provisions of the Metropolis
 “Management (Thames River Prevention of Floods) Amendment Act, 1879.
 “A. B.”

And if the standing arbitrator having made such declaration wilfully acts contrary thereto, he shall be guilty of a misdemeanor.

If any reference is pending before a standing arbitrator at the time when he resigns or goes out of office by effluxion of time, it shall nevertheless be proceeded with by him, and his decision shall have the like effect as if he had not resigned or gone out of office.

28. Proceedings before Standing Arbitrator. The standing arbitrator shall appoint a place and time for the hearing of any matter coming before him, and shall cause six days previous notice thereof to be given in such manner as he shall think proper, and at such place and time shall consider such matter and hear the parties appearing by themselves, their counsel, solicitors, or agents, and take evidence, and the standing arbitrator may administer an oath or an affirmation (where an affirmation in lieu of an oath would be admitted in a court of justice) to any person before hearing any evidence from him, and may admit the affidavit or declaration of any person.

The standing arbitrator, on the application of any party, may by summons require the attendance before him of any person to be examined as a witness before him, and may, on the like application, by summons require any person to bring before him all books, papers, and writings in his possession, custody, or control relating to any matter to be inquired into by the standing arbitrator.

Every person so summoned shall attend the standing arbitrator and answer all questions touching the matter to be inquired into, and bring and produce all papers, books, and writings required according to the tenor of the summons; and any such person not attending in obedience to such summons, or refusing to answer such questions, or failing to bring or produce such papers, books, and writings as aforesaid, shall be liable, if the standing arbitrator shall so order, to a penalty not exceeding fifty pounds: Provided that any person so summoned shall not be bound to obey the summons unless a reasonable sum is first paid or tendered to him for his expenses.

If any person on examination on oath or affirmation before the standing arbitrator, or in any affidavit or declaration used before the standing arbitrator, wilfully gives false evidence, he shall be deemed guilty of perjury.

In case any party fail to appear at the time and place appointed for the hearing of any matter by the standing arbitrator, the standing arbitrator may proceed with the hearing of such matter in the absence of such party.

The decision of the standing arbitrator in any arbitration under this Act shall be final and binding upon the parties to such arbitration.

No award made by the standing arbitrator in accordance with this Act shall be set aside for any irregularity or informality.

FINANCIAL.

31. Power to Board to recover Expenses incurred by them in whole or in part. Where the Board execute any flood works for the execution of which the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works of any district, or any owner of premises were or was liable to provide, they may by order require payment of and recover the whole or such part as they may think just of the expenses incurred by them in respect of the execution of the same (exclusive of any moneys paid or any expenses incurred by them in respect of or in relation to compensation) from the said Commissioners, from such vestry, board of works, or owner :

Provided also, that if the said Commissioners or any vestry, district board, or owner feel aggrieved by the amount of any sum required by order of the Board to be paid by them or him in respect of any such expenses so incurred by the Board as aforesaid, they or he may at any time within twenty-one days after service of any such order

decline to pay such amount, and thereupon the amount of such sum shall be determined by arbitration by the standing arbitrator, who, upon the application of either party, shall, having regard to all the circumstances of the case, determine the amount of the sum to be paid to the Board in respect of such expenses, and shall make such order as to the payment of the costs of such arbitration as he shall think just, and the amount so fixed shall be paid to and may be recovered by the Board.

Where any sum is payable to the Board by any owner of premises in pursuance of this section, the Board shall, if required by such owner, accept payment of such sum by half-yearly instalments of such amount as will be sufficient to discharge the same, together with interest on so much thereof as shall for the time being remain unpaid, at the rate of five pounds per centum per annum, in thirty years from the date when such sum became payable by such owner, and thereupon the Board shall be entitled from time to time to require payment of such half-yearly instalments from the owner of such premises for the time being; and until all such instalments shall be fully paid off they shall be a charge upon such premises in priority of all other charges and incumbrances whatsoever, except the land tax and the property tax charged upon the owner, and shall from time to time be paid by the owner of such premises for the time being to and may be recovered by the Board.

32. Rentcharge may be granted in respect of Works. Where any owner of lands has incurred any expenses in pursuance of this Act, the Board, on being satisfied that such expenses have been duly incurred, may by order under their seal grant to such owner a yearly rentcharge issuable out of the lands in respect whereof such expenses have been incurred and specified in such order, and thereupon such lands shall be subject to and charged with the payment of such rentcharge in priority of all other charges or incumbrances whatsoever (except the land tax and the property tax charged upon the owner), and such rentcharge shall be payable by the person who for the time being is the owner of such premises.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works in respect of which such expenses shall in any such order be expressed to have been incurred, and shall be payable by equal half-yearly payments on the days mentioned in such order during a term not exceeding thirty years, in such manner that the whole of such expenses, with the costs of preparing the said order, together with interest thereon respectively at the rate of five pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

At any time before the expiration of the term during which any such instalments or any such rentcharge are or is payable, the person liable to pay the same may redeem such instalment or rentcharge by paying to the Board or to the person entitled to receive the expenses in respect of which such instalments are payable or such rentcharge was granted, or such part thereof respectively as may not have been defrayed by the half-yearly payments of such instalments or rentcharge respectively already made.

Whenever any annual payment by way of instalment or rentcharge is under this Act payable by the owner for the time being of any lands, and such owner for thirty days after notice requiring him to pay the same makes default in paying the same, then and in every such case the Board or the person entitled thereto shall be at liberty to require the occupier of such premises to pay the same to them or him, and in case any such occupier shall for fourteen days after notice in writing by the Board or person so entitled as aforesaid requiring him to make such payment make default therein, then and in every such case the Board or such person entitled as aforesaid may recover the amount due in respect of such rentcharge or instalments from such occupier in the same manner and with the like remedies in every respect as if they or he were overseers of the poor of the parish in which such premises are situate, and as if the amount due were poor rates in arrear in respect of such premises: Provided always, that where any payment is made by or recovered from any occupier under this section, he shall be entitled to deduct the amount of the same from any payment he may from time to time be liable to make to the owner until he be reimbursed such amount.

35. As to Liability in respect of certain Flood Works for which Persons are liable by Act of Parliament, by Prescription, Tenure, or otherwise by Law. Nothing in this Act contained shall exempt from liability to maintain and repair any bank any person or body who is by Act of Parliament, by prescription, or by reason of tenure, or otherwise by law liable to maintain or do any repairs to any bank: Provided always, that whenever any flood works have been executed by any body or person in pursuance of this Act affecting such bank, and in relief of the liability of the person or body liable to maintain or do any repair to such bank as aforesaid in respect of such maintenance and repair thereof, then and in every such case the person or body so liable as aforesaid shall pay to the body or person executing such works such sum as is hereafter in this section mentioned.

The sum to be paid by such person or body in respect of such works shall be such sum as may be agreed on between such person or body and the body or person executing such works as aforesaid or in default of agreement as may be settled by arbitration by the standing arbitrator, who, upon the application of either party, shall settle the same, and shall in settling the same have regard to the expenses which the person or body by whom such sum is to be paid would have reasonably been liable to incur in respect of the maintenance or repair of such bank as aforesaid if such works had not been executed as aforesaid, and who shall make such order as to the payment of the costs of such arbitration as he shall think just.

Any moneys received by the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works of any district under the provisions of this section, shall be applied by them towards the payment of the expenses which they have incurred or may incur in the execution of works in pursuance of the provisions of this Act.

Where the expenses of any such works are made a charge by the Board upon any premises, any moneys received by the Board in respect of the same under the provisions of this section shall be applied by the Board in reduction of the amount of such charge.

MISCELLANEOUS.

36. Recovery of Expenses. Any expenses recoverable by the Board under the authority of this Act may be recovered in manner prescribed by the principal Act with respect to the recovery of expenses directed by that Act to be recovered in a summary manner.

37. As to Notices and Orders. A notice or order under this Act may be wholly or partly in writing or in print, and may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises or with some inmate of his abode, or if there is no occupier by putting up such notice, plan, or order on a conspicuous part of the building or premises to which the same relates, and it shall not be necessary to name the owner or occupier of such premises; nevertheless, when the owner of any such premises and his residence or that of his agent is known to or can with reasonable diligence be discovered by the party by whom or on whose behalf any notice or order is intended to be served, it shall be the duty of such party to send a copy of every such notice or order by the post in a registered letter addressed to the residence or last known residence of such owner or of his agent.

The term "notice" in this section shall include plan.

38. Agreement between Landlord and Tenant not to be avoided. Nothing in this Act contained shall be taken to avoid any contract made between any landlord and tenant of any lands to which the provisions of this Act relate with respect to the execution of any flood works or of any other works for the protection of such lands or any lands adjoining or near the same from floods or inundations caused by the overflow of the River Thames, or with respect to the maintenance and repair of such lands, or of any house, building, or other erection thereupon, or with respect to any payments, rates, dues, and sums of money payable in respect of such lands, house, building, or other erection; and any moneys paid by any landlord or any tenant in pursuance of

this Act, in relation to any matters with respect to which under any such contract such tenant or landlord is liable, may be recovered by such landlord as rent due by such tenant, or be deducted by such tenant from any rent from time to time due by him to such landlord.

39. Saving Rights of the Conservators of the River Thames. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates or rights of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

40. Saving Rights of the Duchy of Cornwall. Nothing contained in this Act shall extend to authorize the Board to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorized under the provisions of the Duchy of Cornwall Management Act, 1863, section 39, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy, or belonging to the Duke of Cornwall for the time being, without the consent of such Duke, testified in writing under the seal of the Duchy of Cornwall, first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

41. Saving Rights of the Crown. Nothing contained in this Act shall authorize the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises liable to execute flood works, to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

42. Saving Rights of the Crown in respect of Property vested in the Crown or in the Commissioners of Her Majesty's Works. Nothing in this Act shall authorize the Board to exercise any power or control whatsoever in or over any lands or hereditaments which now are or hereafter shall be vested in the Crown or in the Commissioners of Her Majesty's Works and Public Buildings for public purposes or for the public service, or under the management of the same Commissioners for the like purposes or service.

43. So much of Sections 69 and 70 of 18 & 19 Vict. c. 120, as relates to Flood Works, etc. to cease to be in force. From and after the passing of this Act the provisions of sections sixty-nine and seventy of the principal Act, so far as they relate to the execution and maintenance of flood works and banks as defined by this Act by vestries and district boards, shall cease to be in force or to have effect.

44. Recovery and Application of Penalties. Every penalty, fine, or forfeiture imposed by this Act, or for default or breach of any regulation, restriction, or condition made or imposed in pursuance thereof, may be sued for and recovered by the Board, or any officer or servant by them authorized, as if it were a penalty or forfeiture imposed by the principal Act, and shall be paid to the Board and applied by them towards the expenses of carrying this Act into execution, anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty, chapter seventy-one, or in any other Act or Acts, to the contrary notwithstanding.

PETROLEUM ACT, 1879.

(42 & 43 VICT. c. 47.)

(Extracts.)

1. Short Title and Construction of Act. This Act may be cited as the Petroleum Act, 1879.

397 This Act shall be construed as one with the Petroleum Act, 1871, and together with that Act may be cited as the Petroleum Acts, 1871 and 1879.

2. Alteration of Test. Whereas by the Petroleum Act, 1871, it is enacted that the term "petroleum to which this Act applies" means such of the petroleum defined by that Act as, when tested in manner set forth in Schedule One to that Act, gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer, and it is expedient to alter the said test: Be it therefore enacted that—

In the Petroleum Act, 1871, the term "petroleum to which this Act applies" shall mean such of the petroleum defined by section three of that Act as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Every reference in the Petroleum Act, 1871, to Schedule One to that Act shall be construed to refer to Schedule One to this Act.

3. Verification of Test Apparatus. A model of the apparatus for testing petroleum, as described in Schedule One to this Act, shall be deposited with the Board of Trade, and the Board of Trade shall, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, cause to be compared with such model and verified every apparatus constructed in accordance with Schedule One to this Act which is submitted to them for the purpose, and if the same is found correct shall stamp the same with a mark approved of by the Board and notified in the London Gazette.

An apparatus for testing petroleum purporting to be stamped with the said mark shall, until the contrary is proved, be deemed to have been verified by the Board of Trade.

All fees under this section shall be paid into the Exchequer.

FIRST SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

SPECIFICATION OF THE TEST APPARATUS.

The following is a description of the details of the apparatus:

The oil cup consists of a cylindrical vessel 2" diameter, $2\frac{2}{10}$ " height (internal), with outward projecting rim $\frac{5}{10}$ " wide, $\frac{3}{8}$ " from the top, and $1\frac{7}{8}$ " from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket, consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$ ". The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be $1\frac{1}{2}$ " below the centre of the lid.

The cover is provided with three square holes, one in the centre, $\frac{5}{10}$ " by $\frac{4}{10}$ " and two smaller ones, $\frac{3}{10}$ " by $\frac{2}{10}$ ", close to the sides and opposite each other. These three

holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of 3" diameter and $2\frac{1}{2}$ " height, and an outer one of $5\frac{1}{2}$ " diameter and $5\frac{3}{4}$ " height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$ "; that is, its diameter is about $\frac{9}{8}$ " greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and of the oil lamp is one half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}$ ". One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1".

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar, fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$ " measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}$ ".

NOTE.—A model apparatus is deposited at the Weights and Measures Department of the Board of Trade.

DIRECTIONS FOR APPLYING THE FLASHING TEST.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65° the samples to be tested should be cooled down (to about 60°) by immersing the bottles containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum, which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66° the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oil of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120° , instead of with cold water.

METROPOLITAN BOARD OF WORKS (VARIOUS POWERS) ACT, 1882.

(45 & 46 VICT. C. LVI.)

(*Extracts.*)

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45. Board May require Means of Exit from Theatres etc. to be kept open.

Where any house or other place of public resort within the metropolis which is for the time being authorized to be kept open for the public performance of stage plays is kept open for such purpose under the authority of letters patent from Her Majesty her heirs and successors or predecessors or of a licence granted by the Lord Chamberlain

of Her Majesty's household for the time being or by justices of the peace or where any house room or other place of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet which is for the time being authorized to be kept open is kept open for dancing music or other public entertainment of the like kind under the authority of a licence granted by any court of quarter sessions the Board may serve a notice in writing upon the person by whom such house room or place of public resort is so kept open requiring him to comply with any such requirements as the Board may think expedient with respect to all or any of the matters following (that is to say) :—

The times during which the doors or any of the doors affording means of exit from any such house room or place of public resort shall be kept open during the times fixed for the admission of the public to or the presence of the public in or the departure of the public from such house room or place of public resort.

The conditions under which such doors or any of such doors may be closed during the times aforesaid and the persons to be charged with the duty of closing and opening the same ;

The nature of the fastenings to be used for the purpose of keeping such doors or any of such doors closed during the times aforesaid.

The notices to be posted in such house room or place of public resort specifying the means of exit therefrom.

In case any such house room or place of public resort is kept open by any person for any of the purposes aforesaid while all or any of the requirements of such notice are not complied with such person shall be liable to a penalty not exceeding ten pounds for every day on which such house room or place of public resort is so kept open after service of such notice.

Any person authorized by the Board in writing may at any time during the times fixed for the admission or presence of the public and at all other reasonable times enter and inspect any such house room or place of public resort for the purpose of ascertaining whether any such notice should be served by the Board with respect to such house room or place of public resort or whether the requirements of any such notice are complied with and if any person refuses to admit any person so authorized or to afford him all reasonable assistance in such inspection then in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds.

48 (part of). Recovery of Penalties. Every penalty imposed by this Act upon any person with reference to any house room or place of public resort may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Management Act 1855 and the Acts amending the same.

DISUSED BURIAL GROUNDS ACT, 1884.

(47 & 48 VICT. c. 72.)

Whereas an Act was passed in the session of Parliament holden in the fifteenth and sixteenth years of Her Majesty, chapter eighty-five, to amend the laws concerning the burial of the dead in the metropolis, and an Act was passed in the session holden in the sixteenth and seventeenth years of Her Majesty, chapter one hundred and thirty-four, "to amend the laws concerning the burial of the dead in England, beyond the limits of the metropolis, and to amend the Act concerning the burial of the dead in the metropolis": And whereas in pursuance of the provisions of the above recited Acts numerous Orders in Council have been made for the discontinuance of burials in certain burial grounds within the metropolis and elsewhere: And whereas it is expedient that no buildings should be erected on any burial ground affected by any of such Orders in Council:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. **Short Title.** This Act may be cited as the Disused Burial Grounds Act, 1884.

2. **Interpretation Clause.** In this Act a "disused burial ground" shall mean a burial ground in respect of which an Order in Council has been made for the discontinuance of burials therein in pursuance of the provisions of the said recited Acts.¹

60 3. **No Buildings to be erected upon disused Burial Grounds, except for Enlarge-**
 529 } **ment, etc.** After the passing of this Act it shall not be lawful to erect any buildings
 541 } upon any disused burial ground, except for the purpose of enlarging a church, chapel,
 meeting-house, or other places of worship.

4. **Saving for Buildings already sanctioned.** Nothing in this Act shall prevent the erection of any building on a disused burial ground for which a faculty has been obtained before the passing of this Act.

5. **Saving of Burial Grounds sold by Act of Parliament.** Nothing in this Act contained shall apply to any burial ground which has been sold or disposed of under the authority of any Act of Parliament.

VALUATION (METROPOLIS) AMENDMENT ACT, 1884.

(47 & 48 VICT. c. 5.)

375 1. **Short Title and Construction.** This Act may be cited as the Valuation
 the Valuation (Metropolis) Act, 1884, and shall be read and construed as one Act with
 the Valuation (Metropolis) Act, 1869 (herein-after called the principal Act).

390 2. **Enabling Owners and Lessees to Appeal.** Section seventy of the principal Act
 is hereby repealed, and in lieu thereof it is enacted as follows: Where the owner or
 lessee of any hereditament is liable to be assessed for any rate or tax in the place of
 the occupier or tenant, or does in fact pay any such rate or tax in his place under any
 contract or arrangement with him, such owner or lessee shall for the purposes of this Act
 and the Acts incorporated therewith be deemed to be the occupier of such heredita-
 ment, and the person referred to as the ratepayer in sections nineteen and thirty-two
 of the principal Act, and the person who is to make to the overseers of his parish the
 statement or return referred to in the fifty-fifth section of the principal Act.

Provided, that any form of return, order, notice, or document required to be given
 to or served on the occupier under the principal Act shall, except where the owner or
 lessee is liable to be assessed to or to pay any rate or tax in the place of the occupier, be
 deemed to be sufficiently given or served, notwithstanding this Act, if addressed to such
 occupier and left on the premises to which the return, order, notice, or document relates.

3. **One Notice or Objection may include one or more Separately Assessed Hereditaments.** Where any occupier or ratepayer, or any owner or lessee deemed to be an occupier or ratepayer within the meaning of section two of this Act, shall object to the valuation list in respect of any hereditaments, whether consisting of a house or houses subdivided into tenements separately assessed as hereditaments or of separate houses or tenements not so subdivided, it shall be lawful for him to include in any one notice made in pursuance of section thirty-three of the principal Act or otherwise, or in any one objection, appeal, or other proceeding under the principal Act and the Acts incorporated therewith, the whole or any one or more of the hereditaments separately assessed and comprised in one valuation list of which he is or is deemed to be the occupier or ratepayer.

¹ This section is amended by section 4 of the Open Spaces Act, 1887, which alters the definition to "any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council." The section further provides that the expression "building" is to include any temporary or movable building.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1890.

(53 & 54 VICT. c. CCXLIII.)

(Extract.)

32. Notice to be given to Vestry or District Board of building or demolishing any House Building or Wall. Every person who shall intend to build or take down any house building or wall (not being within the City of London) within ten feet of any public thoroughfare shall give notice of such intention to the vestry or district board of the parish or district in which such house building or wall is situate and shall before commencing to build or take down any such house building or wall cause to be put up such hoard or fence with a convenient platform and handrail (if there be room enough) for the same to serve as a footway for passengers outside of such hoard or fence as the vestry or district board may think to be proper and sufficient and shall continue such hoard or fence and such platform and handrail standing and in good condition to the satisfaction of the vestry or district board during the building or taking down of any such house building or wall unless the vestry or district board shall give their consent in writing to its previous removal and shall when required so to do by the vestry or district board cause such hoard or fence and such platform and handrail to be well lighted from sunset to sunrise :

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Every person who fails to give such notice to the vestry or district board or who commences to build or take down any such house building or wall without causing to be put up such hoard or fence with or without such convenient platform and handrail or who does not continue such hoard or fence with or without such convenient platform and handrail in good condition to the satisfaction of the vestry or district board as aforesaid or who does not when required so to do cause such hoard or fence with or without such platform and handrail to be well lighted from sunset to sunrise shall for every such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day on which such offence shall continue after conviction thereof such penalties to be recovered by summary proceeding.

METROPOLIS MANAGEMENT AMENDMENT ACT, 1890.

(53 & 54 VICT. c. 66.)

1. Short Title. This Act may be cited for all purposes as the Metropolis Management Amendment Act, 1890.

2. Interpretation. In this Act—

“The Metropolis Management Acts” includes the Metropolis Management Act, 1855, and any Acts amending the same.

Terms to which meanings are assigned by the Metropolis Management Acts have the same respective meanings.

“The Council” means the London County Council.

3. Power to Vestry or District Board to repair a Road or Way not being a Street. Any vestry or district board may from time to time execute any necessary works of repair upon any or any part of any carriage road within their parish or district which shall have been used for not less than six months for public traffic and which may not at the time of such repair have become repairable by them, and shall not by undertaking such repair prejudice or affect the powers of such vestry or district board to apportion and recover the expenses of paving such road or way if and when the same shall be paved as a new street under the Metropolis Management Acts.

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The expenses of and incident to such repair may in the first instance be paid by the vestry or district board in the same manner as the expenses of repairing other streets

repairable by them, and shall as soon as may be thereafter be apportioned upon and recovered from the owners of the houses and land bounding or abutting on such road or part thereof in the same manner as if such expenses were expenses of paving such road or part thereof as a new street under the provisions of the Metropolis Management Acts relative thereto, and the amount of the expenses so apportioned may be recovered by the vestry or district board in a court of competent jurisdiction.

Provided that no railway company shall be liable under this section to pay the proportion of the expenses of and incident to such works of repair apportioned upon them in respect of lands abutting on any such road and used solely as part of their line of railway and sidings, and having no direct communication with such road, and the amount apportioned upon any such company in respect thereof shall be paid by the vestry or district board. But in the event of such company making a direct communication with such road before the same is taken over by the vestry or district board, a just share of the said expenses shall be payable by such company to the vestry or district board, and the amount of such share shall, in case of difference between the railway company and the vestry or district board, be fixed in a summary way by any metropolitan police magistrate in whose district such road shall be wholly or partly situate, and shall be payable on demand to the vestry or district board.

26 } **4. Penalty for making Sewers contrary to Plans approved.** Any person making
365 } any sewer, or branching any sewer or drain into any sewer vested in the Council, without the approval in writing of the Council first had and obtained, or otherwise than in accordance with a plan and section thereof approved by the Council, or causing any such sewer or drain to be so made or branched shall be liable to a penalty not exceeding fifty pounds.

The Council may by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of the Council in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith. And the Council may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched, or caused to be made or branched, the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed. Provided that if the premises of more than one owner are at the time of the commencement of the work by the Council connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

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Provided also that in the event of any such costs and expenses being paid to the Council by any such owner or owners then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

5. Penalty in case of Connexions with Local Sewers. Any person making any sewer or branching any sewer or drain into any sewer vested in any vestry or district board without the approval in writing of such vestry or district board first had and obtained or otherwise than in accordance with the plan and section thereof, if any, approved by the Council under the provisions of the Metropolis Management Acts relative thereto, or causing any such sewer or drain to be so made or branched, shall be liable to a penalty not exceeding fifty pounds. The vestry or district board concerned may, by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of

such vestry or district board and in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith, and the vestry or district board may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched or caused to be made or branched the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed.

Provided that if the premises of more than one owner are at the time of the commencement of the work by the vestry or district board connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

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Provided also that in the event of any such costs and expenses being paid to the vestry or district board by any such owner or owners, then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

6. Subsoil under a Street Road Passage or Way not to be Removed without the Consent of the Vestry or District Board or Council. Subject to the provisions of this Act, it shall not be lawful after the passing of this Act to form or lay out or to commence to form or lay out any street road passage or way over land from which sand gravel or other subsoil has been excavated or removed, until the site and subsoil of the street road passage or way has been properly levelled and made good to a sufficient depth with stones gravel or other suitable material to form a sound foundation, to the satisfaction of the vestry or district board to be expressed in writing, and it shall not be lawful to excavate remove or take away any sand gravel or subsoil from any land upon which any street road passage or way has been wholly or in part formed or laid out, or upon which it is intended to form or lay out any street road passage or way, except upon such conditions as to the levelling and making a proper foundation for the same as the vestry of the parish or district board of the district may in writing impose. Provided that this section shall not apply where no more sand gravel or subsoil has been or is intended to be excavated removed or taken away than is necessary to level or form a foundation for the paving metalling or flagging of any street road passage or way. If the vestry or district board shall refuse their approval in writing, or shall impose conditions, any company or person dissatisfied with such refusal or with such conditions may, within seven days from the date of receiving notice of such refusal or of such conditions, appeal to the Council, and such appeal shall stand referred to such committee of the Council as the Council may appoint, and such committee shall have power to confirm or reverse such refusal, or to vary the conditions imposed or impose such conditions as they may think fit, and their determination shall be final, and such committee may order any costs of such appeal to be paid to or by the vestry or district board or person appealing. Any company or person forming or laying out, or commencing to form or lay out, any street road passage or way, or excavating removing or taking away any sand gravel or subsoil contrary to the provisions of this Act or to the conditions imposed by the vestry or district board, or on appeal by the Council, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding twenty shillings for every day after the first during which the offence is continued, or during which such excavation shall be permitted to remain without the consent in writing of the vestry or district board or on appeal of the Council.

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Provided always that nothing in this section contained shall apply to any road passage or way formed or laid out, or to be formed or laid out, and intended to be maintained as a road passage or way not open to public use.

Provided also that nothing in this section contained shall prejudice or affect any existing rights of the owners of property fronting or abutting on any street, road,

passage, or way, to excavate subsoil for the purpose of forming or constructing cellars, vaults, subways, or basements in connection with buildings erected on such property.

7. Surveyor or other Officer to see that Conditions are Observed. The surveyor of the vestry or district board, or other officer of the vestry or district board, or any officer appointed for that purpose by the Council, shall take care that the provisions of the preceding section are complied with, and that any conditions imposed by the vestry or district board or the Council in giving their consent in writing thereunder are observed.

8. Limited Application of Act to City of London. Except so far as relates to any sewers vested in the Council, none of the provisions contained in this Act shall have any force or effect within the City of London.

9. Penalties and Expenses. Penalties and expenses under this Act may be sued for and recovered either by the Council or by the vestry or district board concerned in the same manner as penalties under the Metropolis Management Act 1855 and the Acts amending the same.

10. Expenses of Act. Any costs charges and expenses incurred by the Council of and incidental to the preparing applying for and passing of this Act shall be paid by the Council.

METROPOLIS MANAGEMENT ACT, 1862, AMENDMENT ACT, 1890.

(53 & 54 VICT. c. 54.)

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1. Repeal of 25 & 26 Vict. c. 102, s. 78. Vestries and District Boards may Flag Footpaths and Recover Expense from Owners. Section seventy-eight of the Act passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and two, intituled "An Act to amend the Metropolis Local Management Acts," shall be repealed, and in the place thereof there shall be enacted the section following, viz.: In case any footway or any part of a footway laid out at the passing of the Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria, chapter one hundred and twenty, intituled "An Act for the better Local Management of the Metropolis," shall have been repaired by the vestry or district board of works, or any other public body, but such footway or any part thereof shall not have been flagged or only partially flagged, and the vestry or district board of works shall have deemed it necessary or expedient, or shall deem it necessary or expedient, that the same should be flagged either throughout the whole length and breadth thereof or any part of such length or breadth respectively, and such vestry or district board shall have flagged or be about to flag the same, the owners of the houses and the owners of the land bounding or abutting on the road or street in which such footway or any part thereof is situate, shall on demand pay to such vestry or district board of works the amount of the expense incurred, or the estimated expense to be incurred, in providing and laying such flagging; and in the case of estimated expense where the same shall exceed the actual expense of such flagging, then the difference between such estimated expense and such actual expense shall be repaid by the vestry or district board to the owners of houses and land by whom the said estimated expense has been paid; and in case the said estimated expense be less than the actual expense of such paving, then the owners of the said houses and land shall on demand pay to the vestry or district board such further sum of money as, together with the sum already paid, amounts to the actual expense: Provided that it shall be lawful for the said vestry or district board to charge the owners of land in a less proportion than the owners of house property should they (the said vestry or district board) deem it just and expedient so to do.

2. Apportionment and Recovery of Expense. The expense aforesaid, whether estimated or actual (including the cost of flagging at the points of intersections of streets, and all other incidental costs and charges), shall be ascertained and apportioned by the vestry or district board amongst the parties liable to pay the same under the preceding section of this Act, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion, from the owner of the premises, either by action-at-law or in a summary manner before a justice of the peace at the option of the vestry or district board, as provided for by the two hundred and twenty-fifth section of the said Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria.

3. Vestry or Board to keep Flagging in Repair. After any vestry or district board has flagged any footway under the provisions of this Act, the said vestry or board shall keep the said flagging in good and sufficient repair.

4. Interpretation of Terms. In the construction of this Act all the provisions contained in the two hundred and fiftieth section of the said Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the one hundred and twelfth section of the said Act of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and two, shall be deemed and taken to apply to and extend to the provisions of this Act, and the term "flag" or "flagging" shall include asphalt or other similar paving material, and the term "paved" shall include asphalted or other similar paved work.

5. Construction of Act. Except as by this Act expressly amended or varied, the said Act of the session of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the several Acts passed for the amendment of the said Act and this Act shall be construed together as one Act.

6. Short Title. This Act may be cited as the Metropolis Management Act, 1862, Amendment Act, 1890.

PUBLIC HEALTH (LONDON) ACT, 1891.

(54 & 55 VICT. C. 76.)

(*Extracts.*)

1. Sanitary Authority to inspect District for detection of Nuisances. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health and local government, so as to secure the proper sanitary condition of all premises within their district. 57

NUISANCES (GENERAL).

2. What Nuisances may be abated summarily. (1.) For the purposes of this Act,— 57

- (a.) Any premises in such a state as to be a nuisance or injurious or dangerous to health ;
- (b.) Any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cesspool, drain, dung-pit, or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;
- (c.) Any animal kept in such place or manner as to be a nuisance or injurious or dangerous to health ;

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- (d.) Any accumulation or deposit which is a nuisance or injurious or dangerous to health ;
 - (e.) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family ;
 - (f.) Any such absence from premises of water fittings as is a nuisance by virtue of section thirty-three of the Metropolis Water Act, 1871, set out in the First Schedule to this Act ; and
 - (g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and
 - (i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or
 - (ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
 - (iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,
- shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

- (i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health ; and
- (ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

3. Information of Nuisances to Sanitary Authority. Information of a nuisance liable to be dealt with summarily under this Act in the district of a sanitary authority may be given to that authority by any person, and it shall be the duty of every officer of that authority and of every relieving officer, in accordance with the regulations of the authority having control over him, to give that information ; and it shall be the duty of the said authority to make the said regulations, and also the duty of the sanitary authority to give such directions to their officers as will secure the existence of the nuisance being immediately brought to the notice of any person who may be required to abate it, and the officer shall do so by serving a written intimation.

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4. Notice requiring Abatement of Nuisance. (1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and, if the sanitary authority think it desirable (but not otherwise) specifying any works to be executed.

(2.) The sanitary authority may also by the same or another notice served on such occupier, owner, or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the sanitary authority consider that it is likely to recur on the same premises.

(3.) Provided that—

- (a.) where the nuisance arises from any want or defect of a structural character,

or where the premises are unoccupied, the notice shall be served on the owner :

(b.) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the occupier or owner of the premises, the sanitary authority may themselves abate the same and may do what is necessary to prevent the recurrence thereof :

(c.) where the medical officer of health certifies to the sanitary authority that any house or part of a house in their district is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the sanitary authority shall take proceedings under this section for the abatement of such nuisance :

(d.) where the nuisance is such absence of water-fittings as is declared a nuisance by section thirty-three of the Metropolis Water Act, 1871 (set out in the First Schedule to this Act), such absence shall be deemed to render the premises unfit for human habitation unless and until the contrary is shown to the satisfaction of the court.

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(4.) Where a notice has been served on a person under this section, and either—

(a.) the nuisance arose from the wilful act or default of the said person ; or

(b.) such person makes default in complying with any of the requisitions of the notice within the time specified,

he shall be liable to a fine not exceeding ten pounds for each offence, whether any such nuisance order as in this Act mentioned is or is not made upon him.

5. On Non-compliance with Notice, Order to be Made. (1.) If either—

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(a.) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified ; or

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(b.) the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises,

the sanitary authority shall make a complaint, and the petty sessional court hearing the complaint may make on such person a summary order (in this Act referred to as a nuisance order).

(2.) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.

(3.) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

(4.) A prohibition order may prohibit the recurrence of a nuisance.

(5.) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6.) A closing order may prohibit a dwelling-house from being used for human habitation.

(7.) A closing order shall only be made where it is proved to the satisfaction of the court that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the court shall make a closing order, and may impose a fine not exceeding twenty pounds.

(8.) A petty sessional court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9.) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless he satisfies the court that he has used all due diligence to carry out such order, be liable to a fine not exceeding twenty shillings a day during his default ; and if a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to a fine not exceeding forty shillings a day during such contrary action ; moreover the sanitary authority may enter the

premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

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6. Provision as to Appeal against Order. (1.) Where a person appeals to the court of quarter sessions against a nuisance order, no liability to a fine shall arise, nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

(2.) There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition or closing order, or requires the execution of structural works.

(3.) Where a nuisance order is made and a person does not comply with it and appeals against it to the court of quarter sessions, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty shillings a day during the non-compliance with the order, unless he satisfies the court before whom proceedings are taken for imposing a fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay, and where the appeal is heard by the court of quarter sessions, that court may, on dismissing the appeal, impose the fine as if the court were a petty sessional court.

(4.) Where a nuisance order is made on any person and appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorize the sanitary authority immediately to abate the nuisance; but the sanitary authority, if they do so, and the appeal is successful, shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement; but, if the appeal is dismissed or abandoned, the sanitary authority may recover the cost of the abatement in a summary manner from the said person.

7. Provision in Case of Two Convictions for Overcrowding. Where two convictions for offences relating to the overcrowding of a house or part of a house in any district have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on the application of the sanitary authority, order the house to be closed for such period as the court may deem necessary.

8. In certain Cases Order may be addressed to Sanitary Authority. Whenever it appears to the satisfaction of the petty sessional court that the person by whose act, default, or sufferance, a nuisance liable to be dealt with summarily under this Act arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the sanitary authority.

10. Power of Entry. The sanitary authority shall have a right to enter from time to time any premises—

- (a.) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Act, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on, and
- (b.) where under this Act a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid, until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be, and
- (c.) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order.

11. Costs of Execution of Provisions relating to Nuisances. (1.) All reasonable costs and expenses incurred in serving notice, making a complaint, or obtaining a nuisance order, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or, if no order is made, but the nuisance is proved to have existed when the notice was served or the complaint made, then of the

person by whose act, default, or sufferance, the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises.

(2.) Such costs and expenses, and any fines incurred in relation to any such nuisance, may be recovered in a summary manner or in the county court or High Court, and the court shall have power to divide costs, expenses, and fines between persons by whose acts, defaults, or sufferance a nuisance is caused, as to it may seem just.

12. Power of Individual to Complain to Justice of Nuisance. (1.) Complaint of the existence of a nuisance liable to be dealt with summarily under this Act on any premises within the district of any sanitary authority may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, fines for disobedience of orders, appeal, and otherwise, as in the case of a like complaint by the sanitary authority.

(2.) Provided that the court may, if it thinks fit,—

(a.) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorize the entry into such premises of any constable or other person for that purpose; and

(b.) authorize any constable or other person to do all necessary acts for executing an order made on a complaint under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(3.) Any constable or other person authorized under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the sanitary authority authorized under the foregoing provisions of this Act to enter any premises and do any acts thereon.

13. Proceedings in High Court for Abatement of Nuisances. The sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in the High Court to enforce the abatement or prohibition of any nuisance liable to be dealt with summarily under this Act, or for the recovery of any fines from, or for the punishment of, any persons offending against the provisions of this Act relating to such nuisances, and may pay as expenses of the execution of this Act their expenses of and incident to all such proceedings.

14. Power to proceed where Cause of Nuisance arises without District.

(1.) Where a nuisance liable to be dealt with summarily under this Act appears to be wholly or partially caused by some act, default, or sufferance committed or taking place without the district the inhabitants of which are affected by the nuisance, the sanitary authority for that district may take or cause to be taken against any person in respect of such act, default, or sufferance any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences as if such act, default, or sufferance were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act, default, or sufferance is alleged to be committed or take place.

(2.) Section one hundred and eight of the Public Health Act, 1875, set out in the First Schedule to this Act, shall continue to extend to London, with the substitution of a sanitary authority under this Act for any nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis shall include a nuisance within the meaning of this Act.

15. Penalty for injuring Closet, etc. so as to cause a Nuisance. If a person causes any drain, watercloset, earth closet, privy, or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same, or any water-supply, apparatus, pipe, or work connected therewith, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using the same, or any such water-supply, apparatus, pipe, or work, he shall be liable to a fine not exceeding five pounds.

PENALTIES IN RESPECT OF PARTICULAR NUISANCES.

60 **16. Byelaws by Sanitary Authority and County Council as to Cleansing Streets and Prevention of Nuisances.** (1.) Every sanitary authority shall make byelaws—

- (a.) for the prevention of nuisances arising from any snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish, or filth, or other matter or thing in any street; and
- (b.) for preventing nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop, or dunghill, into any uncovered place, whether or not surrounded by a wall or fence; and
- (c.) for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health; and
- (d.) as to the paving of yards and open spaces in connection with dwelling-houses.

(2.) The county council shall make byelaws—

- (a.) for prescribing the times for the removal or carriage by road or water of any faecal or offensive or noxious matter or liquid in or through London, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and as to prevent any nuisance arising therefrom; and
- (b.) as to the closing and filling up of cesspools and privies, and as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connection with house refuse, so as to facilitate the removal of it by the scavengers of the sanitary authority.

(3.) It shall be the duty of every sanitary authority to observe and enforce any byelaws made under this section.

(4.) Except as otherwise provided by the byelaws, a constable may arrest without warrant and take before a justice any person whom he finds committing an offence against such byelaws and who refuses to give his true name and address.

(5.) Provided that the byelaws shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the same is laid, and when the occasion ceases duly removed, in accordance with the byelaws.

17. Penalty for Keeping Swine in Unfit Place. (1.) A person shall not—

- (a.) feed or keep any swine in any locality, premises, or place which is unfit for the keeping of swine, or in which the feeding or keeping of swine may create a nuisance or be injurious to health, or
- (b.) permit any swine to stray or go about in any street or public place.

(2.) If any person acts in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to forfeit the swine, and to a further fine not exceeding ten shillings for every day during which he continues such offence after notice from the sanitary authority to discontinue the same.

(3.) Any swine found straying or going about in any street or public place may be seized and removed by any constable.

(4.) Any premises within forty yards of any street or public place shall be deemed for the purposes of this section to be a place unfit for keeping swine.

18. Power to Prohibit Keeping of Animals in Unfit Place. Where it is proved to the satisfaction of a petty sessional court that any locality, premises, or place are or is unfit for the keeping of any animal, the court may by summary order prohibit the using thereof for that purpose for the future.

OFFENSIVE TRADES.

49 **19. Prohibition and Regulation of establishing anew certain Offensive Businesses, and Byelaws as to Offensive Businesses.** (1.) If any person—

- (a.) establishes anew the following businesses, or any of them; that is to say, the

business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, or knacker; or

- (b.) establishes anew, without the sanction of the County Council, the following businesses, or any of them; that is to say, the business of fellmonger, tripe boiler, slaughterer of cattle or horses, or any other business which the County Council may declare by order confirmed by the Local Government Board and published in the London Gazette to be an offensive business,

he shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall be liable to a fine not exceeding fifty pounds for every day during which he so carries on the same:

(2.) Provided that this enactment shall not render any person liable to a fine for establishing anew with the sanction of the County Council, or carrying on, the business of soap boiler, if and as long as that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(3.) The County Council shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by serving on the sanitary authority within whose district the premises on which the business is proposed to be established are situate, and by advertising, notice of the application and of the time and place at which they will be willing to hear all persons objecting to the order, and by causing a copy of the notice to be affixed in a conspicuous part of the said premises; and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient.

(4.) The County Council may make byelaws for regulating the conduct of any businesses specified in this section, which are for the time being lawfully carried on in London, and the structure of the premises on which any such business is being carried on, and the mode in which the said application is to be made.

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(5.) Any such byelaw may empower a petty sessional court by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a fine not exceeding fifty pounds for every day during which such disobedience continues.

(6.) Any sanitary authority or person aggrieved by any proposed byelaw under this section, or by any proposed alteration or repeal of a byelaw, may forward notice of his objection to the Local Government Board, who shall consider the same.

(7.) There shall be charged for an order of the County Council under this section, and carried to the county fund, such fee not exceeding forty shillings as the County Council may fix.

(8.) For the purposes of this section a business shall be deemed to be established anew not only if it is established newly, but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of nine months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the County Council; but a business shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(9.) Nothing in this section shall render an order of the County Council necessary to authorize the slaughter of cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or shall authorize the making of byelaws affecting either of those markets or the slaughter-houses erected thereat either before or after the commencement of this Act.

(10.) In the application of this section to the City of London, the Commissioners of Sewers shall be substituted for the County Council, and the consolidated rate for the county fund.

20. Licensing of Cow-houses and Slaughter-houses. (1.) A person carrying on the business of a slaughterer of cattle or horses, knacker, or dairyman, shall not use

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any premises in London (outside the City of London) as a slaughter-house, or knacker's yard, or a cow-house or place for the keeping of cows, without a licence from the County Council, and if he does he shall for each offence be liable to a fine not exceeding five pounds, and the fact that cattle have been taken into unlicensed premises shall be *prima facie* evidence that an offence under this section has been committed.

(2.) A licence under this section shall expire on such day in every year as the County Council fix, and when a licence is first granted shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings to be carried to the county fund may be charged for the licence.

(3.) Not less than fourteen days before a licence for any premises is granted or renewed under this section, notice of the intention to apply for it shall be served on the sanitary authority of the district in which the premises are situate, and that sanitary authority, if they think fit, may show cause against the grant or renewal of the licence.

(4.) An objection shall not be entertained to the renewal of a licence under this section, unless seven days previous notice of the objection has been served on the applicant, save that, on an objection being made of which notice has not been given, the County Council may, if they think it just so to do, direct notice thereof to be served on the applicant, and adjourn the question of the renewal to a future day, and require the attendance of the applicant on that day, and then hear the case, and consider the objection, as if the said notice had been duly given.

(5.) Where a committee of the County Council determine to refuse, or to recommend the Council to refuse, the renewal of any licence under this section, the County Council shall, on written application made within seven days after such determination is made known to the applicant, hear the applicant against such refusal.

(6.) For the purposes of this section a licence shall be deemed to be renewed where a further licence is granted in immediate succession to a prior licence for the same premises.

(7.) The sanitary authority shall have a right to enter any slaughter-house or knacker's yard at any hour by day or at any hour when business is in progress or is usually carried on therein, for the purpose of examining whether there is any contravention therein of this Act or of any byelaw made thereunder.

(8.) Nothing in this section shall extend to slaughter-houses erected before or after the commencement of this Act in the Metropolitan Cattle Market under the authority of the Metropolitan Market Act, 1851, or the Metropolitan Market Act, 1857.

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21. Duty of Sanitary Authority to complain to Justice of Nuisance arising from Offensive Trade. (1.) Where any manufactory, building, or premises used for any trade, business, process, or manufacture, causing effluvia, is certified to the sanitary authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority shall make a complaint, and if it appears to the petty sessional court hearing the complaint that the trade, business, process, or manufacture carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, then, unless it is shown that such person has used the best practicable means for abating the nuisance, or preventing or counteracting the effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a fine not exceeding fifty pounds.

(2.) Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and order to be carried into effect, for abating the nuisance, or mitigating or preventing the injurious effects of the effluvia.

(3.) The sanitary authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in the High Court against any person in respect of the matters alleged in such certificate.

(4.) The sanitary authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the

summary proceedings shall be had before a court having jurisdiction in the district where the manufactory, building, or premises are situate.

(5.) Section one hundred and fifteen of the Public Health Act, 1875 (set out in the First Schedule to this Act), shall continue to extend to London, with the substitution of a sanitary authority under this Act for a nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis or to any building, manufactory, or place in the metropolis which is injurious to health, shall include any nuisance within the meaning of this Act, and any manufactory, building, or place which is dangerous to health. 448

22. Provision as to Nuisance created by Sanitary Authority in dealing with Refuse. (1.) The removal of house refuse and street refuse by a sanitary authority when collected or deposited by that authority shall be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the County Council in like manner as if the Council were a sanitary authority. 50

(2.) Any premises used by a sanitary authority for the treatment or disposal of any street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance liable to be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances the County Council shall be deemed to be a sanitary authority. 58

SMOKE CONSUMPTION.

23. Furnaces and Steam Vessels to consume their own Smoke. (1.) Every furnace employed in the working of engines by steam, and every furnace employed in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks, or other buildings used for the purpose of trade or manufacture (although a steam engine be not used or employed therein), shall be constructed so as to consume or burn the smoke arising from such furnace. { 51
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(2.) If any person being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier—

- (a.) uses any such furnace which is not constructed so as to consume or burn the smoke arising therefrom; or
- (b.) so negligently uses any such furnace as that the smoke arising therefrom is not effectually consumed or burnt; or
- (c.) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance;

such person shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on each subsequent conviction to a fine double the amount of the fine imposed on the last preceding conviction.

(3.) Every steam engine and furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn the smoke arising from such engine and furnace; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectually consumed or burnt, the owner or master of such vessel shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on every subsequent conviction to a fine of double the amount of the fine imposed on the last preceding conviction.

(4.) Provided that in this section the words "consume or burn the smoke" shall not be held in all cases to mean "consume or burn all the smoke," and the court hearing an information against a person may remit the fine if of opinion that such person has so constructed his furnace as to consume or burn, as far as possible, all

the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

(5.) It shall be the duty of every sanitary authority to enforce the provisions of this section, and an information shall not be laid for the recovery of any fine under this section except under the direction of a sanitary authority.

(6.) The provisions of this Act with respect to the admission of the sanitary authority into any premises for any purposes in relation to nuisances, and with respect to the giving of information of a nuisance, shall apply in like manner as if they were herein re-enacted, and in terms made applicable to this section.

(7.) This section shall extend to the port of London, and as respects the port shall be enforced by the port sanitary authority.

(8.) Nothing in this section shall alter or repeal any of the provisions of the City of London Sewers Act, 1851, or of the Whitechapel Improvement Act, 1853.

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24. Summary Proceedings for Abatement of Nuisance.

(a.) Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

(b.) Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance;

shall be nuisances liable to be dealt with summarily under this Act, and the provisions of this Act relating to those nuisances shall apply accordingly:

Provided that the court, hearing a complaint against a person in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

WORKSHOPS AND BAKEHOUSES.

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25. Limewashing and Washing of Workshops. (1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

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26. Enactments respecting Bakehouses. 41 & 42 Vict. c. 16; 46 & 47 Vict. c. 53. (1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section, the provisions of this Act with respect to the

admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

27. Notice to Factory Inspector respecting Child or Woman in Workshop. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

DAIRIES.

28. Orders and Regulations for Dairies. (1.) The Local Government Board may make such general or special orders as they think fit for the following purposes, or any of them, that is to say,—

- (a.) for the registration with the County Council of all persons carrying on the trade of dairymen; 537
- (b.) for the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies in the occupation of persons carrying on the trade of dairymen;
- (c.) for securing the cleanliness of milk-vessels used for containing milk for sale by such persons;
- (d.) for prescribing precautions to be taken for protecting milk against infection or contamination;
- (e.) for authorizing the County Council to make byelaws for the purposes aforesaid, or any of them.

(2.) The County Council for the purpose of enforcing the said orders and any byelaws made thereunder shall have the same right to be admitted to any premises as a sanitary authority have under this Act for the purpose of examining as to the existence of a nuisance liable to be dealt with summarily, and the provisions of this Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to this section, and in particular with the substitution of the County Council for the sanitary authority. 534

(3.) The Local Government Board may by any such order impose the like fines for offences against orders made under this section as may be imposed for offences against the byelaws of a sanitary authority under this Act.

(4.) In the application of this section to the City of London, the mayor, commonalty, and citizens of the City acting by the Council shall be substituted for the County Council, and their expenses in the execution of this section shall be paid out of the consolidated rate.

REMOVAL OF REFUSE.

29. Duty of Sanitary Authority to Clean Streets. (1.) It shall be the duty of every sanitary authority to keep the streets of their district, which are repairable by the inhabitants at large, including the footways, properly swept and cleansed so far as is reasonably practicable, and to collect and remove from the said streets, so far as is reasonably practicable, all street refuse.

(2.) If any such street in the district of any sanitary authority, including the footway, is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, so far as is reasonably practicable, as required by this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds.

(3.) So much of any Act as requires the occupier or owner of any premises in London to cause the footways and watercourses adjoining the premises to be swept and cleansed is hereby repealed.

30. Removal of House Refuse. (1.) It shall be the duty of every sanitary authority— 59

- (a.) to secure the due removal at proper periods of house refuse from premises, and

the due cleansing out and emptying at proper periods of ashpits, and of earth closets, privies, and cesspools (if any), in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing out, and emptying, and

- (b.) where the house refuse is not removed from any premises in the district at the ordinary period, or any ashpit, earth-closet, privy, or cesspool in or under any building in the district is not cleansed out or emptied at the ordinary period, and the occupier of the premises serves on the authority a written notice requiring the removal of such refuse, or the cleansing out and emptying of the ashpit, earth-closet, privy, or cesspool, as the case may be, to comply with such notice within forty-eight hours after that service, exclusive of Sundays and public holidays.

(2.) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds.

(3.) If any person in the employ of the sanitary authority, or of any contractor with the sanitary authority, demands from an occupier or his servant any fee or gratuity for removing any house refuse from any premises, he shall be liable to a fine not exceeding twenty shillings.

59 } **33. Owners, etc. to Pay for Removal of Refuse of Trades.** (1.) If the sanitary
446 } authority are required by the owner or occupier of any premises to remove any trade refuse, that authority shall do so, and the owner or occupier shall pay to that authority a reasonable sum for such removal, and such sum, in case of dispute, shall be settled by the order of a petty sessional court.

(2.) If any dispute or difference of opinion arises between the owner or occupier and the sanitary authority as to what is to be considered as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject-matter of dispute is or is not trade refuse, and the decision of that court shall be final.

36. Removal of Refuse from Stables, Cow-houses, etc. (1.) The sanitary authority, if they think fit, may employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for collecting and removing the manure and other refuse matter from any stables and cowhouses within their district, the occupiers of which signify their consent in writing to such removal; provided that—

(a.) such consent shall not be withdrawn or revoked without one month's previous notice to the sanitary authority, and

(b.) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon any footways or carriageways, or for having any accumulation or deposit of manure or other refuse matter so as to be a nuisance or injurious or dangerous to health.

(2.) Notice may be given by a sanitary authority (by public announcement in the district or otherwise) requiring the periodical removal of manure or other refuse matter from stables, cowhouses, or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse matter belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for each day during which such non-compliance continues.

REGULATIONS AS TO WATERCLOSETS, ETC.

37 **37. Obligation to provide Waterclosets, etc.** (1.) It shall not be lawful newly to erect any house or to rebuild any house pulled down to or below the ground floor without a sufficient ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof.

(2.) If any person offends against the foregoing enactment of this section, he shall be liable to a fine not exceeding twenty pounds.

(3.) If at any time it appears to the sanitary authority that any house, whether built before or after the commencement of this Act, is without such ashpit or water-closets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house, requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the same in accordance with the directions in the notice; and, if the notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

(4.) Provided that—

(a.) where sewerage or water supply sufficient for a water-closet is not reasonably available, this section shall be complied with by the provision of a privy or earth-closet; and

(b.) where a water-closet has before the commencement of this Act been and is used in common by the inmates of two or more houses, and in the opinion of the sanitary authority may continue to be properly so used, they need not require a water-closet to be provided for each house.

(5.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section may appeal to the County Council, whose decision shall be final.

38. Sanitary Conveniences for Manufactories, etc. (1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

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(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

39. Byelaws as to Waterclosets, etc. (1.) The County Council shall make byelaws with respect to waterclosets, earth-closets, privies, ashpits, cesspools, and receptacles for dung, and the proper accessories thereof in connection with buildings, whether constructed before or after the passing of this Act.

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(2.) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets supplied with sufficient water for their effective action.

(3.) It shall be the duty of every sanitary authority to observe and enforce the byelaws under this section; and any directions given by the sanitary authority under this Act shall be in accordance with the said byelaws, and so far as they are not so in accordance shall be void.

40. Power for Sanitary Authority to authorize Examination of Waterclosets, etc. (1.) The sanitary authority may examine any of the following works, that is to say, any water-closet, earth-closet, privy, ashpit, or cesspool, and any water supply, sink, trap, siphon, pipe, or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises, or if they are unoccupied on the owner, or in case of emergency without notice, enter on any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

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(2.) If any such work as aforesaid is found on examination to be in accordance with

this Act and the byelaws of the County Council and sanitary authority and directions of the sanitary authority given in any notice under this Act, and in proper order and condition, the sanitary authority shall cause the same to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating, and making good the same, and pay full compensation for all damages or injuries done or occasioned by the examination; but if on examination any such work is found not to be in proper order or condition, or not to have been made or provided by any person according to the said byelaws and directions, or to be contrary to this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending, and may be recovered by that authority in a summary manner.

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41. Penalty on Persons improperly making or altering Waterclosets, etc.

(1.) In any of the following cases—

- (a.) if, on such examination as in the preceding section mentioned, any such work as therein mentioned is found not to have been made or provided by any person according to the byelaws of the County Council and sanitary authority, and the directions of the sanitary authority given in any notice under this Act, or to be contrary to this Act, or
- (b.) if a person, without the consent of the sanitary authority, constructs or rebuilds any watercloset, earthcloset, privy, ashpit, or cesspool which has been ordered by them either not to be made, or to be demolished, or
- (c.) if a person discontinues any water supply without lawful authority, or
- (d.) if a person destroys any sink, trap, siphon, pipe, or any connected works or apparatus as aforesaid either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health,

every person so offending shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority or appearing to a petty sessional court necessary for the execution of the works, cause such watercloset, earth closet, privy, ashpit, or cesspool to be altered or reinstated in conformity with the said byelaws and directions, or, as the case may be, to be demolished, or such water supply to be renewed, or such sink, trap, siphon, pipe or other connected works or apparatus to be restored, such person shall be liable to a fine not exceeding twenty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the person who has so offended.

(2.) If, on such examination as aforesaid, any watercloset, earthcloset, privy, ashpit, or cesspool, or any water supply, sink, trap, siphon, pipe, or any of the connected works or apparatus as aforesaid, appears to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises, upon or in respect of which the inspection was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if such notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any watercloset, earth closet, privy, ashpit, or cesspool, may appeal to the County Council, whose decision shall be final.

42. Improper Construction or Repair of Watercloset or Drain. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed such construction or repair shall, unless he shows that such construction or repair was not due to any wilful act, neglect, or default, be liable to a fine not exceeding twenty pounds:

Provided that where a person is charged with an offence under this section he shall

be entitled, upon information duly laid by him, to have any other person, being his agent, servant, or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence, and that the said other person committed the offence without his knowledge, consent, or connivance, he shall be exempt from any fine, and the said other person may be summarily convicted of the offence.

43. Sanitary Authority to cause Offensive Ditches, Drains, etc. to be Cleansed or Covered. (1.) Every sanitary authority—

- (a.) shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, which may be situate in their district; and
- (b.) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon the same exists, requiring him, within the time specified in such notice, to drain, cleanse, cover, or fill up such pond, pool, ditch, drain, or place, or to construct a proper drain for the discharge of such filth, water, matter, or thing, or to execute such other works as the case may require.

(2.) If the person on whom such notice is served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises: Provided that—

- (a.) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses, as expenses of sewerage are to be defrayed by that authority; and
- (b.) where any work which a sanitary authority does or requires to be done in pursuance of this section interferes with or prejudicially affects any ancient mill, or any right connected therewith, or other right to the use of water, the sanitary authority shall make full compensation to all persons sustaining damage thereby, in manner provided by the Metropolis Management Act, 1855, or if they think fit, may purchase such mill, or any such right connected therewith, or other right to the use of water; and the provisions of the said Act with respect to purchases by the sanitary authority shall be applicable to every such purchase as aforesaid.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to the construction, covering, filling up, or other alteration of any drain may appeal to the County Council, whose decision shall be final.

45. Regulations as to Public Sanitary Conveniences. (1.) Where a sanitary authority provide and maintain any public lavatories, ashpits, or sanitary conveniences, such authority may—

- (a.) make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using the same; and
- (b.) let the same for any term not exceeding three years at such rent and subject to such conditions as they may think fit; and
- (c.) charge such fees for the use of any lavatories or waterclosets provided by them as they may think proper.

(2.) No public lavatory, ashpit, or sanitary convenience shall be erected in or accessible from any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they may think fit.

(3.) If any person erects a lavatory, ashpit, or sanitary convenience in contravention

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of this section, and after notice to that effect served by the sanitary authority does not remove the same, he shall be liable to a fine not exceeding five pounds, and to a fine not exceeding twenty shillings for every day during which the offence continues after a conviction for the offence.

(4.) Nothing in this section shall extend to any lavatory or sanitary convenience now or hereafter erected by any railway company within their railway station yard or the approaches thereto.

PROVISIONS AS TO WATER.

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48. Provisions as to House without proper Water Supply. (1.) An occupied house without a proper and sufficient supply of water shall be a nuisance liable to be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed unfit for human habitation.

(2.) A house which after the commencement of this Act is newly erected, or is pulled down to or below the ground floor and rebuilt, shall not be occupied as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from a water company or by some other means.

(3.) If the sanitary authority refuse such certificate, or fail to give it within one month after written request for the same from the owner of the house, the owner of the house may apply to a petty sessional court, and that court, after hearing or giving the sanitary authority an opportunity to be heard, may, if they think the certificate ought to have been granted, make an order authorizing the occupation of the house; but, unless such order is made, an owner who occupies or permits to be occupied the house as a dwelling-house without such certificate shall be liable to a fine not exceeding ten pounds, and to a fine not exceeding twenty shillings for every day during which it is so occupied until a proper and sufficient supply of water is provided; but the imposition of such fine shall be without prejudice to any proceedings for obtaining a closing order.

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50. Cleansing of Cisterns. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and other receptacles used for storing of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man.

52. Penalty for causing Water to be corrupted by Gas Washings. (1.) If any person engaged in the manufacture of gas—

(a.) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(b.) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall for every such offence be liable to a fine of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, to a further fine of twenty pounds for every day during which the offence continues.

(2.) Every such fine may be recovered, with full costs of action, in the High Court, in the case of water belonging to or under the control of the sanitary authority by that authority, and in any other case by the person into whose water such washing or other substance is brought or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person after notice to him from the sanitary authority of their intention to proceed for such fine, by the sanitary authority; but such fine shall not be recoverable unless it is sued for during the continuance of the offence, or within six months after it has ceased.

53. Penalty for fouling Water. If any person does any act whereby any fountain or pump is wilfully or maliciously damaged, or is guilty of any act or neglect whereby the water of any well, fountain, or pump used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is polluted or fouled, he shall be liable to a fine not exceeding five pounds for each offence, and a

further fine not exceeding twenty shillings for every day during which the offence continues after notice is served on him by the sanitary authority in relation thereto, but this section shall not extend to offences against the last preceding section by persons engaged in the manufacture of gas.

54. Power to close Polluted Wells, etc. (1.) On the representation of any person to a sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, is used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, and is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health, a petty sessional court, on complaint by such authority and after hearing the person who is the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, or in the case of a public well, tank, cistern, or pump, is alleged in the complaint to be interested in the same, or after giving him an opportunity of being heard, may by summary order direct the well, tank, cistern, or pump to be permanently or temporarily closed, or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

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(2.) The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority complaining.

(3.) If the person on whom the order is made fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court on complaint by the sanitary authority may authorize that authority to execute the order, and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

BYELAWS AS TO HOUSES LET IN LODGINGS.

94. Power of Sanitary Authority to make Byelaws as to Lodging-houses. (1.) Every sanitary authority shall make and enforce such byelaws as are requisite for the following matters; (that is to say,) 53
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- (a.) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied;
- (b.) for the registration of houses so let or occupied;
- (c.) for the inspection of such houses;
- (d.) for enforcing drainage for such houses, and for promoting cleanliness and ventilation in such houses;
- (e.) for the cleansing and lime-washing at stated times of the premises;
- (f.) for the taking of precautions in case of any infectious disease.

(2.) This section shall not apply to common lodging-houses within the Common Lodging Houses Act, 1851, or any Act amending the same. 337

UNDERGROUND ROOMS.

96. Provisions as to the Occupation of Underground Rooms as Dwellings. 53

(1.) Any underground room, which was not let or occupied separately as a dwelling before the passing of this Act, shall not be so let or occupied unless it possesses the following requisites; that is to say,

- (a.) unless the room is in every part thereof at least seven feet high measured from the floor to the ceiling, and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room: Provided that, if the width of the area herein-after mentioned is not less than the height of the room from the floor to the said surface of the street or ground, the height of the room above such surface may be less than three feet, but it shall not in any case be less than one foot, and the width of the area need not in any case be more than six feet;
- (b.) unless every wall of the room is constructed with a proper damp course, and, if

in contact with the soil, is effectually secured against dampness from that soil;

- (c.) unless there is outside of and adjoining the room and extending along the entire frontage thereof and upwards from six inches below the level of the floor thereof an open area properly paved at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room, and over and across such area there may be steps necessary for access to any building above the underground room, if the steps in each case be so placed as not to be over or across any external window;
- (d.) unless the said area and the soil immediately below the room are effectually drained;
- (e.) unless, if the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air;
- (f.) unless any drain passing under the room is properly constructed of a gas-tight pipe;
- (g.) unless the room is effectually secured against the rising of any effluvia or exhalation;
- (h.) unless there is appurtenant to the room the use of a watercloset and a proper and sufficient ash-pit;
- (i.) unless the room is effectually ventilated;
- (j.) unless the room has a fire-place with a proper chimney or flue;
- (k.) unless the room has one or more windows opening directly into the external air with a total area clear of the sash frames equal to at least one tenth of the floor area of the room, and so constructed that one half at least of each window of the room can be opened, and the opening in each case extends to the top of the window.

(2.) If any person lets or occupies, or continues to let, or knowingly suffers to be occupied, any underground room contrary to this enactment, he shall be liable to a fine not exceeding twenty shillings for every day during which the room continues to be so let or occupied.

(3.) The foregoing provisions shall at the expiration of six months after the commencement of this Act extend to underground rooms let or occupied separately as dwellings before the passing of this Act, except that the sanitary authority, either by general regulations providing for classes of underground rooms, or on the application of the owner of such room in any particular case, may dispense with or modify any of the said requisites which involve the structural alteration of the building, if they are of opinion that they can properly do so having due regard to the fitness of the room for human habitation, to the house accommodation in the district, and to the sanitary condition of the inhabitants and to other circumstances, but any requisite which was required before the passing of this Act shall not be so dispensed with or modified.

(4.) The dispensations and modifications may be allowed either absolutely or for a limited time, and may be revoked and varied by the sanitary authority, and shall be recorded together with the reasons in the minutes of the sanitary authority.

(5.) If the owner of any room feels aggrieved by a dispensation or modification not being allowed as regards that room, he may appeal to the Local Government Board, and that Board may refuse the dispensation or modification, or allow it wholly or partly, as if they were the sanitary authority. Such allowance may be revoked or varied by the Board, but not by the sanitary authority.

(6.) Where two or more underground rooms are occupied together, and are not occupied in conjunction with any other room or rooms on any other floor of the same house, each of them shall be deemed to be separately occupied as a dwelling within the meaning of this section.

(7.) Every underground room in which a person passes the night shall be deemed to be occupied as a dwelling within the meaning of this section; and evidence giving rise to a probable presumption that some person passes the night in an underground room shall be evidence, until the contrary is proved, that such has been the case.

(8.) Where it is shown that any person uses an underground room as a sleeping-place, it shall, in any proceeding under this section, lie on the defendant to show that the room is not separately occupied as a dwelling.

(9.) For the purpose of this section the expression "underground room" includes any room of a house the surface of the floor of which room is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room.

97. Enforcement of Provisions as to Underground Rooms. (1.) Any officer of a sanitary authority appointed or determined by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may order, all cases in which underground rooms are occupied contrary to this Act in the district of such authority.

(2.) Any such officer or any other person having reasonable grounds for believing that any underground room is occupied in contravention of this Act may enter and inspect the same at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority the like warrant may be granted by a justice under this Act as in case of refusal to admit any such officer.

(3.) A warrant of a justice authorizing an entry into an underground room may authorize the entry between any hours specified in the warrant.

98. Provision in Case of two Convictions for unlawfully occupying Underground Room. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district permanently to close the same, in such manner as they think fit, at their own cost.

AUTHORITIES FOR EXECUTION OF ACT.

99. Definition of Sanitary Authority. (1.) Subject to the provisions of this Act, the sanitary authority for the execution of this Act (in this Act referred to as "the sanitary authority") shall be as follows; (namely,)

- (a.) in the City of London the Commissioners of Sewers; and
- (b.) in each of the parishes mentioned in Schedule (A) to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887, other than Woolwich, the vestry of the parish; and 356
- (c.) in each of the districts mentioned in Schedule (B) to the same Act, as so amended, the district board for the district; and
- (d.) in the parish of Woolwich, the local board of health; and
- (e.) in any place mentioned in Schedule (C) to the Metropolis Management Act, 1855, the board of guardians for such place or for any parish or poor law union of which it forms part, or, if there is no such board of guardians, the overseers of the poor for such place, or for the parish in which it is situate, and the said guardians and overseers respectively shall have the same powers for the purposes of this Act as a vestry or district board have under this Act, and their expenses shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in the said place. 356
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(2.) The area within which this Act is executed by any sanitary authority is in this Act referred to as the district of that authority.

(3.) The purposes for which a committee of a vestry or district board may be appointed under the Metropolis Management Act, 1855, and the Acts amending the same, shall include the purposes of this Act, and the provisions of those Acts with respect to committees shall apply accordingly.

(4.) Where a sanitary authority appoint a committee for the purposes of this Act, that committee, subject to the terms of their appointment, may serve and receive

notices, take proceedings, and empower any officer of the authority to make complaints and take proceedings in their behalf, and otherwise to execute this Act.

(5.) A sanitary authority may acquire and hold land for the purposes of their duties without any licence in mortmain.

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100. Power of County Council to Prosecute on Default of Sanitary Authority.

The County Council, on it being proved to their satisfaction that any sanitary authority have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings, or the enforcement of any byelaw, may institute any proceeding and do any act which the authority might have instituted or done for that purpose, and shall be entitled to recover from the sanitary authority in default all such expenses in and about the said proceeding or act as the County Council incur, and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding.

101. Proceedings on Complaint to Local Government Board of Default of Sanitary Authority. (1.) Where complaint is made by the County Council to the Local Government Board that a sanitary authority have made default in executing or enforcing any provisions which it is their duty to execute or enforce of this Act, or of any byelaw made in pursuance thereof, the Local Government Board, if satisfied after due inquiry that the authority have been guilty of the alleged default, and that the complaint cannot be remedied under the other provisions of this Act, shall make an order limiting a time for the performance of the duty of such authority in the matter of such complaint. If such duty is not performed by the time limited in the order, the order may be enforced by writ of mandamus, or the Local Government Board may appoint the County Council to perform such duty.

(2.) Where such appointment is made, the County Council shall, for the purpose of the execution of their duties under the said appointment, have all the powers of the defaulting sanitary authority, and all expenses incurred by the County Council in the execution of the said duties, together with the costs of the previous proceedings, so far as not recovered from any other person, shall be a debt from the sanitary authority in default to the County Council, and shall be paid by the sanitary authority out of any moneys or rate applicable to the payment of the expenses of performing the duty in which they have made default.

(3.) For the purpose of recovering such debt the County Council, without prejudice to any other power of recovery, shall have the same power of levying the amount by a rate, and of requiring officers of the defaulting authority to pay over money in their hands, as the defaulting authority would have in the case of expenses legally payable out of a rate raised by that authority.

(4.) The County Council shall pay any surplus of the rate so levied to or to the order of the defaulting authority.

(5.) If any loan is required to be raised for the purpose of the execution of their duties under the said appointment, the County Council with the consent of the Local Government Board may raise the same, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms as that authority might have borrowed, and the principal and interest of such loan shall be a debt due from the defaulting authority, and shall be secured and may be recovered in like manner as if the loan had been borrowed by that authority.

(6.) The surplus (if any) of any loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising the same, be paid to or to the order of the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

BYELAWS.

114. Byelaws. All byelaws made by the County Council or by any sanitary authority under this Act shall be made subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and set forth in the First Schedule to this Act; and

those sections shall apply in like manner as if the County Council or sanitary authority were a local authority :

Provided that the County Council, in making any byelaws which will have to be observed and enforced by any sanitary authority, shall consider any representations made to the Council by that authority, and not less than two months before applying to the Local Government Board for the confirmation of any such byelaws shall send a copy of the proposed byelaws to every such authority.

LEGAL PROCEEDINGS.

117. Summary Proceedings for Offences, Expenses, etc. (1.) All offences, fines, penalties, forfeitures, costs, and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

(2.) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any person are or is empowered to recover in a summary manner, may, at the option of the authority or person, be taken in the county court as if such demand were a debt.

(3.) A proceeding under this Act shall not be taken by the County Council against a sanitary authority save with the sanction of the Local Government Board, unless such proceeding is for the recovery of expenses or of money due from the sanitary authority to the Council.

121. Recovery of Expenses by Sanitary Authority from Owner or Occupier. Any costs and expenses which are recoverable under this Act by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises ; and the owner shall allow the occupier to deduct any money which he pays under this enactment out of the rent from time to time becoming due in respect of the premises, as if the same had been actually paid to the owner as part of the rent : Provided that— 213

(a.) the occupier shall not be so required to pay any further sum than the amount of rent which either is for the time being due from him, or which after demand from him of such costs or expenses, and notice not to pay any rent without first deducting the same, becomes payable by him, unless he refuses, on the application of the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable ; but the burden of proof that the sum demanded from any such occupier is greater than the aforesaid amount of rent shall lie on such occupier ; and

(b.) nothing in this section shall affect any contract between any owner and occupier of any premises whereby the occupier agrees to pay or discharge all rates, dues, and sums of money payable in respect of such premises, or shall affect any contract whatsoever between landlord and tenant.

APPEAL.

125. Appeal to Quarter Sessions. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may, save as otherwise provided in this Act, appeal therefrom to a court of quarter sessions. 47

126. Provision as to Appeals to County Council. Any appeal to the County Council against a notice or act of a sanitary authority under this Act shall be conducted in accordance with sections two hundred and eleven and two hundred and twelve of the Metropolis Management Act, 1855, which sections, as modified by the Local Government Act, 1888, are set out in the First Schedule to this Act. 449

NOTICES.

127. Authentication of Notices, etc. (1.) Notices, orders, and other such documents under this Act shall be in writing; and notices and documents other than orders, when issued by the County Council or a sanitary authority, shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served.

(2.) Orders shall be under the seal of the council or authority duly authenticated.

128. Service of Notices. (1.) Any notice, order, or other document required or authorized to be served under this Act may be served by delivering the same or a true copy thereof either to or at the usual or last known residence in England of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, then to some person on the premises, or, if there is no person on the premises who can be so served, then by fixing the same or a true copy thereof on some conspicuous part of the premises; it may also be served by sending the same or a true copy thereof by post addressed to a person at such residence or premises as above mentioned.

(2.) Any notice required or authorized for the purposes of this Act to be served on a sanitary authority or on the County Council shall be deemed to be duly served if in writing delivered at, or sent by post to, the office of the authority or Council, addressed to such authority or Council, or their clerk.

(3.) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given or served, without further name or description.

CITY OF LONDON.

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133. Application of Act to City. In the application of this Act to the City of London the following modifications shall be made :

- (a.) There shall be no appeal under this Act from the Commissioners of Sewers to the County Council :
- (b.) The byelaws made by the County Council under this Act shall not extend to the City :
- (c.) The County Council shall not have power under this Act to require the Commissioners of Sewers to provide and maintain a building for post-mortem examinations :
- (d.) The powers of the County Council under this Act to proceed in case of default of a sanitary authority shall not extend to the Commissioners of Sewers.

134. Power of City Police to proceed in certain Cases against Nuisances.

Where it is proved to the satisfaction of the Local Government Board that the Commissioners of Sewers have made default in doing their duty in relation to nuisances under this Act, the Board may authorize any officer of police of the City of London to institute any proceeding which the commissioners might institute with regard to such nuisances, and that officer may recover from the commissioners in a summary manner or in the county court or High Court any expenses incurred by him, and not paid by the person proceeded against. Such officer of police shall not for the purpose of this section be at liberty to enter any house or part of a house used as the dwelling of any person without either such person's consent, or the warrant of a justice.

135. Proceedings on Complaint to Local Government Board of Default of Commissioners of Sewers. (1.) Where complaint is made to the Local Government Board that the Commissioners of Sewers have made default in executing or enforcing any provisions of this Act, the Local Government Board, if satisfied, after due inquiry, that those commissioners have been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If the duty is not performed by the time limited in the order, the order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together

with a reasonable remuneration to the person appointed for superintending the performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the Commissioners of Sewers, and any order made for the payment of such expenses and costs may be removed into the High Court, and enforced as an order of that court.

(2.) Any person so appointed shall, in the performance and for the purposes of the said duty, be invested with all the powers of the Commissioners of Sewers other than (save as herein-after provided) the powers of levying rates; and the Local Government Board may by order change any person so appointed.

(3.) Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of the Commissioners of Sewers, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by those commissioners, and to be a debt due from them, and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly incurred by the commissioners (which rate is in this section referred to as "the local rate"). If the commissioners refuse to pay any such debt for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt, and all expenses incurred in consequence of the non-payment thereof.

(4.) Any person so empowered shall have the same powers of levying the local rate, and requiring all officers of the Commissioners of Sewers to pay over any money in their hands, as the commissioners would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any (the amount to be ascertained by the Local Government Board), to or to the order of the Commissioners of Sewers.

(5.) The Local Government Board may certify the amount of expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Board under this section to perform the duty of the commissioners; also, the amount of any loan required to defray any expenses so incurred, or estimated as about to be incurred; and the certificate of the Board shall be conclusive as to all matters to which it relates.

(6.) Whenever the Local Government Board so certifies a loan to be required, that Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan, and every such charge shall have the same effect as if the Commissioners of Sewers were empowered to raise the loan on the security of the local rate, and had duly executed an instrument charging the same on that rate.

(7.) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the Commissioners of Sewers, and, in addition to any other remedies, may be recovered in the manner in which a debt due from those commissioners may be recovered in pursuance of this section.

(8.) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the Commissioners of Sewers.

(9.) "Expenses," for the purposes of this section, shall include all sums payable under this section by or by the order of the Local Government Board, or the person appointed by that Board.

INTERPRETATION.

141. Interpretation of Terms. In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London:

The expression "county council" means the London County Council:

The expression "the Metropolitan Asylum Managers" means the Managers of the Metropolitan Asylum District:

The expression "street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and whether or not there are houses in such street :

The expression "premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority :

The expression "house" includes schools, also factories and other buildings in which persons are employed :

The expressions "building" and "house" respectively include the curtilage of a building or house, and include a building or house wholly or partly erected under statutory authority :

The expression "bakehouse" means any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived :

The expression "vessel" includes a boat and every description of vessel used in navigation :

The expression "hospital" means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose, and includes an asylum of the Metropolitan Asylum Managers :

The expression "master" means in the case of a building or part of a building, a person in occupation of or having the charge, management, or control of the building, or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof :

The expression "house refuse" means ashes, cinders, breeze, rubbish, night-soil, and filth, but does not include trade refuse :

The expression "trade refuse" means the refuse of any trade, manufacture, or business, or of any building materials :

The expression "street refuse" means dust, dirt, rubbish, mud, road-scrapings, ice, snow, and filth :

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The expression "owner" means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rackrent :

The expression "rackrent" means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises ; and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge (if any), and if the landlord undertook to bear the cost of the repairs, and insurance, and the other expenses (if any) necessary to maintain the premises in a state to command such rent :

The expression "slaughterer of cattle or horses" means a person whose business it is to kill any description of cattle, or horses, asses, or mules, for the purpose of the flesh being used as butcher's meat ; and the expression "slaughter-house" means any building or place used for the purpose of such business :

The expression "knacker" means a person whose business it is to kill any horse, ass, mule, or cattle which is not killed for the purpose of the flesh being used as butcher's meat ; and the expression "knacker's yard" means any building or place used for the purpose of such business :

The expression "cattle" includes sheep, goats, and swine :

The expression "source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain, or other work or means for the supply of water, whether actually used or capable of being used for the supply of water or not :

The expression "sanitary convenience" includes urinals, waterclosets, earth closets, privies, and any similar conveniences :

The expression "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening :

The expression "ashpit" means any ashpit, dust-bin, ash-tub, or other receptacle for the deposit of ashes or refuse matter :

The expression "cistern" includes a water-butt :

The expression "dairy" includes any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale :

The expression "dairyman" includes any cowkeeper, purveyor of milk, or occupier of a dairy.

REPEAL.

142. Repeal of Enactments in Schedule. (1.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and shall be so repealed as from the date in that Schedule mentioned, and where no date is mentioned as from the commencement of this Act ;

(2.) Provided that—

(a.) where any enactment in the said Schedule extends beyond London, such enactment shall not unless otherwise expressed be deemed to be hereby repealed, so far as it applies beyond London :

(b.) all securities given under and all orders, byelaws, rules, regulations, and notices duly made or issued under or having effect in pursuance of any Act hereby repealed shall be of the same validity and effect as if they had been given, made, or issued under this Act, and any penalties recoverable under any such order, byelaw, rule, regulation, or notice may be recovered as if they were imposed by byelaws under this Act.

(3.) Where the county council or a sanitary authority are required by this Act to make byelaws for any purpose for which there are no byelaws of the Council or authority in force at the commencement of this Act, the first byelaws made by the County Council or sanitary authority for that purpose under this Act shall be submitted to the Local Government Board for sanction not later than six months after the commencement of this Act.

(4.) Any enactment expressed in the Fourth Schedule to this Act to be repealed as from the coming into operation of any byelaw made for the like object shall, although no such byelaw is made, be repealed on the expiration of twelve months next after the commencement of this Act, or such later day, not exceeding eighteen months from such commencement, as may be fixed by Order in Council.

(5.) For the removal of doubts it is hereby declared that so much of the Public Health Act, 1875, as re-enacts *sections fifty-one and fifty-two of the Sanitary Act, 1866, and*¹ *sections thirty-four to thirty-six of the Public Health Act, 1872, extends to London.*

(6.) Officers appointed under any enactment hereby repealed shall continue in office in like manner as if they were appointed in pursuance of this Act, subject nevertheless to the provisions of this Act respecting existing officers.

(7.) Where in any enactment or in any order made by a Secretary of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any document, any Act or any provisions of an Act are mentioned or referred to which relate to London and are repealed by this Act, such enactment, order, or document shall be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions, and as if a sanitary authority under this Act were substituted for any nuisance authority mentioned in such repealed provisions.

143. Commencement of Act. This Act shall come into operation on the first day of January next after the passing thereof.

¹ Repealed by the Public Health Act, 1896.

SCHEDULES.

FIRST SCHEDULE (PART OF).

ENACTMENTS APPLIED.

SECTION 33 OF THE METROPOLIS WATER ACT, 1871.

33. Absence of proper Water Fittings in Premises to be a Nuisance. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12—19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section.

SECTIONS 108 AND 115 OF THE PUBLIC HEALTH ACT, 1875, RELATING TO NUISANCES OUT OF THE DISTRICT.

108. Power to proceed where Cause of Nuisance arises without District. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

This section shall extend to the metropolis so far as to authorize proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

115. Power to proceed where Nuisance arises from Offensive Trade carried on without District. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorized in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

This section shall extend to the metropolis so far as to authorize proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house, building, manufactory, or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

SECTIONS 182—186 OF THE PUBLIC HEALTH ACT, 1875, RELATING TO BYELAWS.

182. Authentication and Alteration of Byelaws. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal;

and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act : Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

183. Power to impose Penalties on Breach of Byelaws. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority ; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

184. Confirmation of Byelaws. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper ; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application ; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

185. Byelaws to be Printed, etc. All byelaws made by a local authority under this Act, or for purposes the same as, or similar to, those of this Act under any local Act, shall be printed and hung up in the office of such authority ; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

186. Evidence of Byelaws. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

SECTIONS 211 AND 212 OF THE METROPOLIS MANAGEMENT ACT, 1855, RELATING TO APPEALS TO LONDON COUNTY COUNCIL.

211. Power to Appeal against Orders and Acts of Vestries and District Boards in relation to Construction of Works. Any person who deems himself aggrieved by any order of any vestry or district board in relation to the level of any building, or any order or act of any vestry or district board in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, drain, ..., may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the County Council against the same ; and all such appeals shall stand referred to the committee appointed by such Council for hearing appeals as herein provided ; and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry or district board by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry or district board in relation to the matters aforesaid ; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates.

212. County Council to appoint a Committee for hearing Appeals. The County Council shall appoint a committee for the purpose of hearing all such appeals as may be made to the said Council as aforesaid, which committee shall have power to hear and decide all such appeals, and the County Council shall from time to time fill up any vacancy in such committee, and the chairman of the said Council shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said Council, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of such committee may be exercised by any three of them; and any member of such committee may at any time resign his office.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 Geo. 3, c. 71 . . .	An Act for regulating houses and other places kept for the purpose of slaughtering horses.	The whole Act.
57 Geo. 3, c. xxix. . .	An Act for better Paving, Improving, and Regulating the Streets of the Metropolis, and Removing and Preventing Nuisances and Obstructions therein.	Section fifty-seven so far as it relates to a cesspool; sections fifty-nine to sixty-one; section sixty-three; section sixty-four from "or shall throw" to "either of such pavements" as from the coming into operation of any byelaw made for the like object; sections sixty-seven and sixty-eight; and sections seventy-three and seventy-four as from the coming into operation of any byelaw made for the like object.
2 & 3 Vict. c. 47 . . .	An Act for further improving the police in and near the metropolis.	Section sixty, from "or cause any offensive matter" to "so as to be a common nuisance," as from the coming into operation of any byelaw made for the like object; and from "every occupier of a house" to "reference to this enactment."
7 & 8 Vict. c. 87 . . .	An Act to amend the law for regulating places kept for slaughtering horses.	The whole Act.
16 & 17 Vict. c. 128 . .	An Act to abate the Nuisance arising from the smoke of Furnaces in the Metropolis and from Steam Vessels above London Bridge.	The whole Act as respects all places without as well as within London.
18 & 19 Vict. c. 116 . .	The Diseases Prevention Act, 1855 .	The whole Act.
18 & 19 Vict. c. 120 . .	The Metropolis Management Act, 1855.	Section eighty-one; sections eighty-two to eighty-five, except so far as they relate to a drain or sewer, or any work or apparatus connected therewith; section eighty-six down to "defrayed under this Act"; sections eighty-eight, one hundred and three, and one hundred and four; section one

FOURTH SCHEDULE—*continued*.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120— — <i>continued</i> .	The Metropolis Management Act, 1855— <i>continued</i> .	hundred and sixteen from “and also to cause” to the end of the section; sections one hundred and seventeen, and one hundred and twenty-five; section one hundred and twenty-six, as from the coming into operation of any byelaw made for the like object; sections one hundred and twenty-seven to one hundred and twenty-nine, one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four; section one hundred and ninety-eight from “and to every such report” to “for their parish or district”; section two hundred and two from “for the emptying” to “disposing of refuse” as from the coming into operation of any byelaw made for the like object and; section two hundred and eleven so far as regards any water-closet, privy, ashpit, or cesspool.
18 & 19 Vict. c. 121	The Nuisances Removal Act for England, 1855.	The whole Act.
19 & 20 Vict. c. 107	An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.	The whole Act as respects all places without as well as within London.
23 & 24 Vict. c. 77	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act.
25 & 26 Vict. c. 102	The Metropolis Management Amendment Act, 1862.	Sections forty-three and sixty-two; in section sixty-four the word “eighty-first,” and the words “and eighty-sixth”; sections sixty-seven, seventy, eighty-nine, ninety-one, ninety-three, ninety-four, and ninety-five and section one hundred and five, from “and all penalties” to “1855.”
26 & 27 Vict. c. 117	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act.
29 & 30 Vict. c. 41	The Nuisances Removal (No. 1) Act, 1866.	The whole Act.
29 & 30 Vict. c. 90	The Sanitary Act, 1866 . . .	The whole Act, except section forty-one.
31 & 32 Vict. c. 115	The Sanitary Act, 1868 . . .	The whole Act.
32 & 33 Vict. c. 100	The Sanitary Loans Act, 1869 . .	The whole Act.
33 & 34 Vict. c. 53	The Sanitary Act, 1870 . . .	The whole Act.
35 & 36 Vict. c. 79	The Public Health Act, 1872 . .	The whole Act.
37 & 38 Vict. c. 67	The Slaughterhouses, etc. (Metropolis) Act, 1874.	The whole Act.

FOURTH SCHEDULE—*continued*.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
37 & 38 Vict. c. 89	The Sanitary Law Amendment Act, 1874.	The whole Act, except so much of sections forty-six and forty-nine as relates to common lodging-houses.
38 & 39 Vict. c. 55	The Public Health Act, 1875 . . .	Section one hundred and eight from "In this section" to the end of the section; section one hundred and fifteen from "In this section" to the end of the section. Section two hundred and ninety-one, as respects the whole of the Port of London.
41 & 42 Vict. c. 74	The Contagious Diseases (Animals) Act, 1878.	Section thirty-four.
42 & 43 Vict. c. 54	The Poor Law Act, 1879 . . .	Sections fifteen and sixteen.
43 & 44 Vict. c. lix.	The Local Government Board's Provisional Orders Confirmation (Amersham Union, etc.) Act, 1880.	Section two.
46 & 47 Vict. c. 35	The Diseases Prevention (Metropolis) Act, 1883.	The whole Act.
46 & 47 Vict. c. 53	The Factory and Workshop Act, 1883.	Section seventeen, down to "for the district," being the first two subsections.
47 & 48 Vict. c. 60	The Metropolitan Asylum Board (Borrowing Powers) Act, 1884.	The whole Act.
48 & 49 Vict. c. 72	The Housing of the Working Classes Act, 1885.	Section seven; and section nine from "This section shall apply" to "sanitary authority," being subsection (6).
49 & 50 Vict. c. 32	The Contagious Diseases (Animals) Act, 1886.	Section nine.
51 & 52 Vict. c. 41	The Local Government Act, 1888 . . .	Section forty-five; and section eighty-eight, from "Section one hundred and ninety-one" to the end of the section, being subsection (c).
52 & 53 Vict. c. 56	The Poor Law Act, 1889 . . .	Section three, down to "common poor fund," being subsections (1), (2), and (3); and sections six and seven.
52 & 53 Vict. c. 64	The Public Health Act, 1889 . . .	Section one, from "and as regards" to the end of the section; and in section two the words "or of section fifty-two of the Sanitary Act, 1866."
52 & 53 Vict. c. 72	The Infectious Disease (Notification) Act, 1889.	Section two, from "to every London" down to "Act and" being subsection (a); sections ten and twelve; section sixteen, from "the Commissioners of Sewers" down to "Act, 1887," being subsections (a) and (b); and from "The expression 'London district'" down to "local authority is elected."

FOURTH SCHEDULE—*continued*.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
53 & 54 Vict. c. 34	The Infectious Disease (Prevention) Act, 1890.	Section two, from "Local authority" to the end of the section; section three, from "to every London district" to "this Act; and"; and section five, down to "London district, and."
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act, 1890.	Sections twenty-two and twenty-four.

LONDON BUILDING ACT, 1894.

(57 & 58 VICT. C. CCXIII.)

PART I.

INTRODUCTORY.

1. Short Title. This Act may be cited as the London Building Act 1894.
2. Division of Act into Parts. This Act shall be divided into Parts as follows :—

- Part I.—Introductory.
- Part II.—Formation and Widening of Streets.
- Part III.—Lines of Building Frontage.
- Part IV.—Naming and Numbering of Streets.
- Part V.—Open Spaces about Buildings and Height of Buildings.
- Part VI.—Construction of Buildings.
- Part VII.—Special and Temporary Buildings and Wooden Structures.
- Part VIII.—Rights of Building and Adjoining Owners.
- Part IX.—Dangerous and Neglected Structures.
- Part X.—Dangerous and Noxious Businesses.
- Part XI.—Dwelling-houses on Low-lying Land.
- Part XII.—Sky Signs.
- Part XIII.—Superintending Architect and District Surveyors.
- Part XIV.—Byelaws.
- Part XV.—Legal Proceedings.
- Part XVI.—Miscellaneous.

3. Commencement of Act. This Act shall come into operation on and shall take effect from the first day of January next after the passing thereof which date is in this Act referred to as the commencement of this Act.

4. Extent of Act. This Act shall save so far as is otherwise provided extend to London and no further :

Provided always that in addition to any exemption referring to the Commissioners of Sewers contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers by or under any Act of Parliament and existing immediately before the passing of this Act notwithstanding the repeal of the Acts specified in the Fourth Schedule hereto.

5. Definitions. In this Act unless the context otherwise requires—

- (1) The expression "street" means and includes any highway and any road bridge

lane mews footway square court alley passage whether a thoroughfare or not and a part of any such highway road bridge lane mews footway square court alley or passage.

- (2) The expression "way" includes any public road way or footpath not being a street and any private road way or footpath which it is proposed to convert into a highway or to form lay out or adapt as a street.
- (3) The expression "roadway" in relation to any street or way means and includes the whole space open for traffic whether carriage traffic and foot traffic or foot traffic only.
- 65 (4) The term "centre of the roadway" means—
 - (a) In relation to any street or way of which the centre of the roadway has been ascertained or defined by the Council or the superintending architect previously to or after the commencement of this Act the centre of the roadway as so ascertained or defined ;
 - (b) In relation to any street or way of which the centre of the roadway shall not have been ascertained or defined by the Council or the superintending architect where the roadway opposite the site of the building in question shall since the twenty-second day of July one thousand eight hundred and seventy-eight have been widened the centre of the roadway as existing immediately before the date of such widening or where it shall not have been so widened the actual centre of the existing roadway :

For the purpose of any enactment in this Act referring to the centre of the roadway the superintending architect may at any time define the line constituting the centre of the roadway in the case of a street formed or laid out after the eighteenth day of August one thousand eight hundred and ninety and the line so defined shall continue to be deemed the centre for such purpose notwithstanding that the actual centre of the roadway may have become altered by reason of the roadway having been widened either on one side only or on both sides to an unequal extent.

- (5) The expression "the prescribed distance" means twenty feet from the centre of the roadway where such roadway is used for the purpose of carriage traffic and ten feet from the centre of the roadway where such roadway is used for the purposes of foot traffic only.
- (6) The expression "new building" means and includes—
 - Any building erected after the commencement of this Act ;
 - Any building which has been taken down for more than one half of its cubical extent and re-erected or commenced to be re-erected wholly or partially on the same site after the commencement of this Act ;
 - Any space between walls and buildings which is roofed or commenced to be roofed after the commencement of this Act.
- (7) The expression "bressummer" means a wooden beam or a metallic girder which carries a wall.
- (8) The expression "level of the ground" means the mean level of the ground as determined by the district surveyor or in the event of disagreement by the superintending architect or on appeal by the Tribunal of Appeal.
- (9) The expression "foundation" applied to a wall having footings means the solid ground or artificially formed support on which the footings of the wall rest but in the case of a wall carried by a bressummer means such bressummer.
- (10) The expression "base" applied to a wall means the underside of the course immediately above the footings if any or in the case of a wall carried by a bressummer above such bressummer.
- (11) The expression "ground storey" means that storey of a building to which there is an entrance from the outside on or near the level of the ground and where there are two such storeys then the lower of the two :
 Provided that no storey of which the upper surface of the floor is more

than four feet below the level of the adjoining pavement shall be deemed to be the ground storey.

- (12) The expression "basement storey" means any storey of a building which is under the ground storey. 83
- (13) The expression "first storey" means that storey of a building which is next above the ground storey the successive storeys above the first storey being the second storey the third storey and so on to the topmost storey.
- (14) The expression "topmost storey" means the uppermost storey in a building whether constructed wholly or partly in the roof or not.
- (15) The expression "external wall" means an outer wall or vertical enclosure of any building not being a party wall.
- (16) The expression "party wall" means—
 - (a) A wall forming part of a building and used or constructed to be used for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons ; or
 - (b) A wall forming part of a building and standing to a greater extent than the projection of the footings on lands of different owners.(118
472)
- (17) The expression "cross wall" means a wall used or constructed to be used in any part of its height as an inner wall of a building for separation of one part from another part of the building that building being wholly in or being constructed or adapted to be wholly in one occupation.
- (18) The expression "party fence wall" means a wall used or constructed to be used as a separation of adjoining lands of different owners and standing on lands of different owners and not being part of a building but does not include a wall constructed on the land of one owner the footings of which project into the land of another owner.
- (19) The expression "party arch" means an arch separating adjoining buildings storeys or rooms belonging to different owners or occupied or constructed or adapted to be occupied by different persons or separating a building from a public way or a private way leading to premises in other occupation.
- (20) The expression "party structure" means a party wall and also a partition floor or other structure separating vertically or horizontally buildings storeys or rooms approached by distinct staircases or separate entrances from without.
- (21) The expression "height" in relation to any building means the measurement taken from the level of the footway (if any) immediately in front of the centre of the face of the building or (where there is no such footway) from the level of the ground before excavation to the level of the top of the parapet or where there is no parapet to the level of the top of the external wall or (in the case of gabled buildings) to the base of the gable.
- (22) The expression "area" applied to a building means the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls and of such portions of the party walls as belong to the building.
- (23) The expression "square" applied to the measurement of the area of a building means the space of 100 superficial feet.
- (24) The expression "cubical extent" applied to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey.
- (25) The expression "dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation. 111
- (26) The expression "domestic building" includes a dwelling-house and any other building not being a public building or of the warehouse class. 111
- (27) The expression "public building" means a building used or constructed or adapted to be used as a church chapel or other place of public worship or as a school college or place of instruction (not being merely a dwelling-house so used) or as a hospital workhouse public theatre public hall public 111

concert-room public ball-room public lecture-room public library or public exhibition-room or as a public place of assembly or used or constructed or adapted to be used for any other public purpose also a building used or constructed or adapted to be used as an hotel lodging-house home refuge or shelter where such building extends to more than two hundred and fifty thousand cubic feet or has sleeping accommodation for more than one hundred persons.

- 111 (28) The expression "building of the warehouse class" means a warehouse factory manufactory brewery or distillery and any other building exceeding in cubical extent one hundred and fifty thousand cubic feet which is neither a public building nor a domestic building.
- 13 (29) The expression "owner" shall apply to every person in possession or receipt either of the whole or of any part of the rents or profits of any land or tenement or in the occupation of any land or tenement otherwise than as a tenant from year to year or for any less term or as a tenant at will.
- (30) The expression "occupier" does not include a lodger and "occupy" and "occupation" do not refer to occupation by a lodger.
- 216 (31) The expression "building owner" means such one of the owners of adjoining land as is desirous of building or such one of the owners of buildings storeys or rooms separated from one another by a party wall or party structure as does or is desirous of doing a work affecting that party wall or party structure.
- 216 (32) The expression "adjoining owner" means the owner or one of the owners and "adjoining occupier" means the occupier or one of the occupiers of land buildings storeys or rooms adjoining those of the building owner.
- (33) The expression "builder" means the person who is employed to build or to execute work on a building or structure or where no person is so employed the owner of the building or structure.
- (34) The expression "superintending architect" means the superintending architect of metropolitan buildings for the time being.
- (35) The expression "district surveyor" means every such surveyor who is appointed in pursuance of this Act or whose appointment is hereby confirmed and shall include any deputy or assistant surveyor appointed under this Act.
- 559 } (36) *The expression "fire-resisting material" means any of the materials and things*
571 } *described in the Second Schedule to this Act.*
- (37) The expression "inhabited" applied to a room means a room in which some person passes the night or which is used as a living room including a room with respect to which there is a probable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room.
- (38) The expression "habitable" applied to a room means a room constructed or adapted to be inhabited.
- (39) The expression "the Metropolis Management Acts" means the Metropolis Management Act 1855 and the Acts amending the same or any one or more of those Acts.
- (40) The expression "London" means the administrative county of London.
- (41) The expression "the Council" means the London County Council.
- (42) The expression "local authority" means the vestry or district board of works under the Metropolis Management Acts within whose parish or district the building structure place land or thing referred to is or will be or in the City the Commissioners of Sewers or in the parish of Woolwich the Woolwich Local Board of Health.
- (43) The expression "the City" means all parts now within the jurisdiction of the Commissioners of Sewers.
- (44) The expression "Corporation" means the mayor aldermen and commons of the City of London.

- (45) The expression "Guildhall" means the land offices courts and buildings commonly called the Guildhall and the offices courts and buildings adjoining or appurtenant thereto which now are used by or may hereafter be erected for the use of the Corporation or of any committee commission or society appointed by them.
- (46) The expression "Commissioners of Sewers" means the Commissioners of Sewers of the City of London. 529
- (47) The expression "the Tribunal of Appeal" means the Tribunal of Appeal constituted by this Act. 505

PART II.

FORMATION AND WIDENING OF STREETS.

6. As to Making Streets. From and after the commencement of this Act streets shall not be made and ways shall not be widened altered or adapted so as to form streets otherwise than subject to and in accordance with the provisions set forth in this Part of this Act. Provided that this Act shall not affect the powers of any local authority to widen alter or improve any street. 15

7. Sanction to Formation of New Streets. Before any person commences to form or lay out any street whether intended to be used for carriage traffic or for foot traffic only such persons shall make an application in writing to the Council for their sanction to the formation or laying out of such street either for carriage traffic or for foot traffic (as the case may be):

Every such application shall be accompanied by plans and sections with such particulars in relation thereto as may be required by printed regulations issued by the Council and the Council shall forthwith communicate every such application to the local authority: 624

And no person shall commence to form or lay out any street for carriage traffic or for foot traffic without having obtained the sanction of the Council.

8. Evidence of Commencement of Street. For the purposes of this Part of this Act a person shall be deemed to commence to form or lay out a street if he erect a fence or other boundary or lay down lines of kerbing or level the surface of the ground so as to define the course or direction of a street or if he form the foundations of a house in such manner and in such position as that such house will or may become one of three or more houses abutting on or erected beside land on which a street is intended to be or may be thereafter laid out or formed. Provided that no person shall be deemed to commence to form or lay out a street if he do any of the acts in this section mentioned for some purpose other than that of forming or laying out a street. 16

9. Grounds for Refusal to Sanction Plans of Streets. In any of the cases following but in no other case (that is to say):— 18

- (1) Where any street is proposed to be formed or laid out for carriage traffic without being of or being widened to the full width of forty feet clear or such other width as may be required under the provisions of this Act;
- (2) Where any street is proposed to be formed or laid out for foot traffic only without being of or being widened to the full width of twenty feet clear;
- (3) Where any street exceeding sixty feet in length or any street not exceeding sixty feet in length of which the length is greater than the width is proposed to be formed or laid out without being open at both ends from the ground upwards;
- (4) Where any street not being within the City is proposed to be formed or laid out in such manner that such street will not at and from the time of forming and laying out the same afford direct communication between two streets such two streets being (where it is intended to form or lay out such street for carriage traffic) streets formed and laid out for carriage traffic;
- (5) Where it is proposed to form or lay out any street not being within the City for foot traffic only and it appears to the Council that such street should

not be formed or laid out for foot traffic only or that such street should be formed or laid out for foot traffic only subject to conditions ;

(6) Where the street is proposed to be formed or laid out for carriage traffic with any gradient steeper than one in twenty ;

(7) Where it is proposed to form or lay out any street in such manner as to be in contravention of any byelaw of the Council ;

it shall be lawful for the Council by order at any time within the period of two months after the receipt of the application to refuse to sanction or to sanction subject to such conditions as they may by such order prescribe the formation or laying out of such street for carriage traffic or for foot traffic only as the case may be provided that the Council shall within such period give notice to the applicant of such order stating fully all their reasons for such refusal or the imposition of such conditions as the case may be :

Provided that if within the said period of two months the Council fail to give notice of their refusal to sanction the formation or laying out of such street or of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto.

20

10. Adaptation of Ways for Streets. (1.) Before any person commences—

(a) To adapt for carriage traffic any street or way not previously so adapted or to use or permit to be used for carriage traffic any street or way not previously so adapted ;

(b) To adapt as a street for foot traffic only or as a public footway any way not previously so adapted ;

such person shall make an application in writing to the Council for their sanction thereto and such application shall be accompanied by plans and sections and such particulars in relation thereto as may be required by printed regulations issued by the Council and the Council shall forthwith communicate every such application to the local authority and no person shall commence to execute any such work without having obtained the sanction of the Council.

(2.) Within two months after the receipt of any such application the Council shall either sanction the plans and sections or give notice to the applicant of their disapproval thereof stating fully all their reasons for such disapproval. Provided that if within the said period of two months the Council fail to give notice of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto.

(3.) A person shall be deemed for the purposes of this Part of this Act to commence to execute a work within the meaning of this section if he erect a fence or other boundary or lay down lines of kerbing or level the surface of the ground so as to define the course or direction of a work within the meaning of this section or if he form the foundations of a house in such manner and in such position as that such house will or may become one of three or more houses abutting on or erected beside land on which a street is intended to be or may be thereafter laid out or formed. Provided that no person shall be deemed to commence to execute a work within the meaning of this section if he do any of the acts in this sub-section mentioned for some purpose other than that of executing a work within the meaning of this section.

(4.) Before any person commences to widen on either side to a less extent than the prescribed distance any part of a street or way which (being adapted for carriage traffic) is less than forty feet in width or (being adapted for foot traffic only) is less than twenty feet in width he shall give notice in writing to the Council accompanied by a plan showing the extent of the proposed widening and no person shall commence to execute any such widening until after the expiration of two months from the date of such notice unless with the previous sanction of the Council.

11. Grounds for refusing to sanction Adaptation of Ways for Streets. In any of the cases following but in no other case (that is to say) :—

(1) Whenever it is proposed to adapt for carriage traffic any street or way (not previously so adapted) where there are houses or buildings either on both sides thereof or only on one side thereof without a distance of at least twenty feet clear being left between the centre of the roadway and the nearest

external wall of the houses or buildings on the side of the street or way to which the measurement is taken or (if there be forecourts or other spaces left between such external wall and the roadway) without there being a distance of at least twenty feet clear between the centre of the roadway and the external fences or boundaries of such forecourts or other spaces ;

- (2) Where it is proposed to adapt as a street for foot traffic only or as a public footway any way not previously so adapted without the same being of or being widened to the full width of twenty feet clear measured as aforesaid ;
- (3) Where any such adaptation would result in the formation of a street exceeding sixty feet in length or a street not exceeding sixty feet in length of which the length is greater than the width and in either case not being open at both ends from the ground upwards ;
- (4) Where any such adaptation would result in the formation of a street not being within the City and not affording direct communication between two streets such two streets being (where it is intended to form or lay out such street for carriage traffic) streets formed and laid out for carriage traffic ;
- (5) Where the adaptation will result in the formation or laying out of a street not being within the City for foot traffic only and it appears to the Council either that such street should not be formed or laid out for foot traffic only or that such street should be formed or laid out for foot traffic only subject to conditions ;
- (6) Where the adaptation would result in the formation of a street for carriage traffic with any gradient steeper than one in twenty ;
- (7) Where the adaptation is proposed to be made in such a manner as to be in contravention of any byelaw of the Council ;

it shall be lawful for the Council by order at any time within the said period of two months after the receipt of the application to refuse to sanction or to sanction (subject to such conditions as they may by such order prescribe) the adaptation proposed by the application. Provided that the Council shall within such period give notice to the applicant of such order stating fully all their reasons for such refusal or the imposition of such conditions as the case may be. Provided also that if within the said period of two months the Council fail to give notice of their refusal to sanction such adaptation or of their sanction of the adaptation subject to conditions they shall be deemed to have given their sanction thereto.

12. Greater Width of Street may be required in Certain Cases. In any case where it is intended— 21

- (a) To form or lay out any street not being within two miles of Saint Paul's Cathedral for carriage traffic ;
- (b) To adapt or permit to be used for carriage traffic any street or way (not being within two miles of Saint Paul's Cathedral) not previously so adapted ;

and the Council shall deem it expedient in the public interest that the street or way should by reason of its length or importance or in consequence of its forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason be of a greater width than forty feet clear they may make it a condition of their sanction that the street or way shall be throughout or in such part as they may direct of a greater width than forty feet but nothing in this section shall authorize the Council to require a greater width than sixty feet :

And before requiring that any street or way shall be wider than forty feet the Council shall give notice of their intention to the local authority in order that the local authority if they think fit may make a representation to the Council.

13. Position of New Buildings with reference to Streets. (1.) No person shall erect any new building or new structure or any part thereof or extend any building or structure or any part thereof in such manner that any external wall of any such building or structure or (if there be a forecourt or other space between such external

wall and the roadway) any part of the external fence or boundary of such forecourt or other space shall without the consent in writing of the Council be in any direction at a distance less than the prescribed distance from the centre of the roadway of any street or way (being a highway).

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(2.) Where the Council after consulting the local authority shall deem it expedient in the public interest either by reason of the length or importance of the street or way or by reason of the street or way forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason that the prescribed distance from the centre of the roadway of any such street or way should where such roadway is used for the purpose of carriage traffic be greater than twenty feet it shall be lawful for the Council to determine that the prescribed distance shall be such greater distance not exceeding thirty feet from the centre of the roadway of such street or way on either side or both sides as the Council shall see fit to determine. This sub-section shall not apply to any street or way within two miles of Saint Paul's Cathedral.

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(3.) In case the person intending to erect form or extend any such building structure forecourt or space shall be dissatisfied with the determination of the Council that the prescribed distance shall be greater than twenty feet from the centre of the roadway he may appeal to the Tribunal of Appeal against such determination of the Council.

(4.) The Council may in any case where they think it expedient consent to the erection formation or extension of any building structure forecourt or space at a distance less than the prescribed distance from the centre of the roadway of any such street or way and at such distance from the centre of such roadway and subject to such conditions and terms (if any) as they may think proper to sanction. Provided that the giving of such consent by the Council shall not in any way affect any rights of the owners of adjoining land. Before giving such consent the Council shall communicate to the local authority their intention to give the same. Any person dissatisfied with the determination of the Council under this sub-section may appeal to the Tribunal of Appeal.

(5.) Provided that where any person intends to alter or re-erect a building or structure existing either at the commencement of this Act or at any time within seven years previously and which shall not be or shall not have been in conformity with the provisions of this section relating to new buildings and structures such person may cause to be prepared plans showing the extent of such building or structure (or in the event of such building or structure having ceased to exist before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and the extent of the forecourt or other open space (if any) between any external wall of such building or structure and the roadway and may cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans. Thereupon it shall be lawful for such person to alter or re-erect such building or structure but so that no land within the prescribed distance shall be occupied by the re-erected building or structure or the forecourt or such other open space as aforesaid (if any) except that which was occupied within the prescribed distance by the previously existing building structure forecourt or open space :

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If such person should fail to submit such plans to the district surveyor or the district surveyor or the Tribunal of Appeal should refuse to certify the accuracy of the same such person shall in altering or rebuilding the said building or structure be bound by the preceding provisions of this section in all respects as though no building or structure had previously existed upon the land within the period aforesaid. Provided always that no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class shall without the consent of the Council be erected or re-erected within *the prescribed distance* to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of such street and that no building or structure shall be converted into such dwelling-house within *the prescribed distance* so as to exceed such height :

Provided that this section shall not prevent the re-erection of any such dwelling-house erected previously to the passing of this Act by a local authority.

(6.) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

14. Notice to comply with Preceding Section. *In every case where any new building or new structure is erected at a distance in any direction from the centre of the roadway of any street or way less than the distance permitted under this Part of this Act or contrary to the conditions and terms (if any) subject to which the Council or the Tribunal of Appeal has sanctioned the erection of such building the Council may serve a notice upon the owner or occupier of the said building or structure or upon the builder requiring him to cause such building structure forecourt or space or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be at a distance in every direction from the centre of the roadway of such street or way not less than the distance so permitted and shall be in accordance with such conditions and terms (if any) as the Council or the Tribunal of Appeal may have prescribed.* 531

15. As to Compensation in Certain Cases. In any case where—

(1) The Council under this Part of this Act make it a condition of their sanction to— 21

(a) the formation or laying out of any street for carriage traffic over land which either at the commencement of this Act or at any time within seven years previously has or shall have been occupied by buildings or by market garden; or

(b) the adaptation or use for carriage traffic of any street or way not previously so adapted or used

that the street or way shall be throughout or in any part of a greater width than forty feet; or

(2) The Council determine that the prescribed distance from the centre of the roadway shall be greater than twenty feet;

the Council shall be liable to pay to the owner of land or buildings required for such greater width or such greater prescribed distance compensation for the loss or injury (if any) sustained by him by such requirement. The amount of such compensation if not agreed within two months from the time of such condition being made or determination arrived at may (unless the Council waive the condition or determination) be recovered in a summary manner except where the amount of compensation claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorized or required to be settled by arbitration and for that purpose those Acts so far as applicable shall be deemed to be incorporated with this Act:

Provided always that within two months from the time of such condition or determination being made or arrived at if the amount of such compensation has not been settled before the expiration of such time it shall be lawful for the Council to waive such condition or determination. Provided also that if the Council waive such condition or determination they shall pay to the owner the reasonable costs charges and expenses incurred by him in consequence of such condition or determination and in connexion with the negotiations for the settlement of the amount of compensation:

For the purpose of this section the expression "owner" has the same meaning as in the Lands Clauses Acts.

16. As to erection of Buildings at less than Prescribed Distance from Centre of Ways not being Highways. Where after the commencement of this Act—

(i) any new building or structure is erected or commenced in such manner that—

(a) any part of any external wall of any such building or structure; or if there be between such external wall and the roadway any forecourt or other space—

(b) any part of the external fence or boundary of such forecourt or space is or will be in any direction distant from the centre of the roadway of any

way (not being a highway) less than the prescribed distance or less than such other distance as may have been sanctioned by the Council or the Tribunal of Appeal; or

- (ii) Any conditions or terms subject to which the sanction of the Council or the Tribunal of Appeal in relation to any such building structure forecourt or space was obtained have not been complied with; or
 - (iii) The time during which such sanction was limited to continue has expired;
- the way shall not become a highway except subject to the following provisions:—
- (i) A written notice shall be served upon the Council of the proposal to make the way a public highway;
 - (ii) The Council may at any time within two months after the receipt of such notice serve a notice upon the owner of such building structure forecourt or space or the builder requiring him to cause the same or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be in every direction at a distance not less than the prescribed distance from the centre of the roadway of such way or at such distance and according to such conditions and terms (if any) as the Council or the Tribunal of Appeal may have sanctioned and prescribed;
 - (iii) Unless and until such first-mentioned notice has been given to the Council and such last-mentioned notice (if any) has been complied with the way shall not become a highway:

Provided that this section shall not affect the erection or extension of any building or structure within the limits of any area which may have been lawfully occupied by any building or structure at any time within two years before the twenty-second day of July one thousand eight hundred and seventy-eight or the erection or extension of any building or structure lawfully in course of erection or extension on the said twenty-second day of July.

17. Sanction to Construction of New Buildings at less than Prescribed Distance. The Council may sanction the erection of any new building or structure at any less distance than the prescribed distance from the centre of the roadway of any way (not being a highway) to be specified in such sanction or the continuance of any new building or new structure erected at such less distance or the continuance thereof for a limited time only to be specified in such sanction in such cases and subject to such terms and conditions (if any) as they may think proper. And any such sanction may be framed in such manner as to apply to all new buildings in any such way or any part thereof. Provided that the giving of such sanction by the Council shall not in any manner affect any rights of the owners of adjoining land.

18. Regulations to be printed and supplied. Copies of the printed regulations of the Council issued for the purposes of this Part of this Act shall be kept at the county hall and supplied at all reasonable times without charge to any applicants for the same.

21 **19. Appeal.** Whenever any applicant under Part II. of this Act for the sanction of the Council to the formation or laying out of a street or the adaptation of a street or way for carriage or foot traffic or for the certificate of a district surveyor is dissatisfied with the refusal or conditional grant of such sanction or with any condition imposed by the Council or with the refusal of such certificate as aforesaid he may appeal to the Tribunal of Appeal.

20. As to Private Roads laid out by a Railway Company. Nothing in this Part of this Act shall extend or apply to any private road formed or laid out by a railway company and used as an approach to a station or station yard or as an approach to land used for railway purposes.

21. Exempting certain School Board Buildings. Notwithstanding anything in this Act any buildings to be erected upon any lands now belonging to the School Board for London or over which they have powers of compulsory purchase or may acquire such powers in the present session of Parliament may be erected in accordance with the provisions of any Act in force immediately before the passing of this Act.

PART III.

LINES OF BUILDING FRONTAGE.

22. Mode of Proceeding with regard to Buildings beyond Line of Street. (1.) 68
No building or structure shall without the consent in writing of the Council be erected beyond the general line of buildings in any street or part of a street place or row of houses in which the same is situate in case the distance of such line of buildings from the highway does not exceed fifty feet or within fifty feet of the highway when the distance of the line of buildings therefrom amounts to or exceeds fifty feet notwithstanding there being gardens or vacant spaces between the line of buildings and the highway. Such general line of buildings shall if required be defined by the superintending architect by a certificate such certificate to be issued within one month from the date of the application therefor.

(2.) This section shall not apply to any building or structure erected after the commencement of this Act upon land which either at the commencement of this Act or at any time within seven years previously has or shall have been lawfully occupied by a building or structure. 73

23. Buildings projecting beyond General Line when taken down to be set back. 75
(1.) In case any building or structure which shall in any part thereof project beyond the general line of buildings in a street or beyond the front of the building wall or railing on either side thereof shall at any time be taken down to an extent exceeding one half of the cubical extent of such building or structure or shall be destroyed by fire or other casualty or demolished pulled down or removed from any other cause to the extent aforesaid it shall be lawful for the Council to require the same building or structure or any new building or structure proposed to be erected on the site or any part of the site thereof to be set back to such a line and in such a manner as the Council shall direct.

(2.) The Council shall make compensation to the owner of such building for any damage and expenses which he may sustain and incur thereby and the amount of such compensation if not agreed between the Council and the parties concerned shall be recovered in a summary manner except where the amount of compensation claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorized or required to be settled by arbitration and for that purpose those Acts so far as applicable shall be deemed to be incorporated with this Act. For the purpose of this section the expression "owner" 13
has the same meaning as in the Lands Clauses Acts.

24. Notices of Definition of General Line. The superintending architect shall 69
within fourteen days after the issue of the certificate defining the general line of buildings in any street or part of a street place or row of houses cause a notice of his certificate to be served on the local authority and on the owner of the building or land to which the certificate relates and on the owner of the houses in the same block or row within a distance not exceeding fifty yards on either side of the building or land to which the certificate relates or where there is no such block or row upon the owner of the adjoining land on either side of the building or land to which the certificate relates. Certificates made by the superintending architect under this Part of this Act shall be preserved by the Council and be open to inspection at all reasonable times by all persons desiring to inspect the same.

25. Appeal against Certificate of Architect as to General Line. The local authority or any person deeming himself aggrieved by the certificate of the superintending architect may appeal to the Tribunal of Appeal.

26. Conditions may be attached to Consent to Building in front of General Line. 72
In giving their consent for the erection of any building or structure beyond the general line of buildings in any street or part of a street place or row of houses the Council may attach any conditions to such consent and such conditions may include any or all of the conditions following viz. :—

(1.) That land in front of the building or structure to such an extent as the

Council may think proper shall be dedicated to and left open for the use of the public :

- (2.) That the building or structure shall be used only for such purposes as may be specified in the consent or shall not be used for any particular purposes specified in the consent unless with the further consent of the Council obtained when a change of purpose is desired :

And generally any other condition which the Council may deem it expedient to impose in the public interest.

- 71 **27. Consent not to affect rest of General Line.** The consent by the Council to the erection of any building or structure beyond the general line of buildings in any part of a street or the erection of such building or structure shall not be deemed to affect or alter in that or any other part of the street the general line of buildings as existing at the time of such consent.

28. Register of Conditional Consents to be kept and open for Inspection. The Council shall keep a register of all conditional consents given by them under this Part of this Act and shall keep the same open for inspection by all persons interested at all reasonable times.

- 72 **29. Defining in what Street a Building or Structure is situate.** The superintending architect shall if required by the Council the local authority or any person interested for the purposes of this Part of this Act determine in any case in what street or streets a building or structure is situate such determination to be evidenced by his certificate Any person aggrieved by such certificate may appeal to the Tribunal of Appeal.

- 211 **30. Part of Act not to apply in City.** This Part of this Act shall not apply within the City.

31. Certain Powers of Railway Companies not affected by this Part of Act. Nothing in this Part of this Act shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

PART IV.

NAMING AND NUMBERING OF STREETS.

- 23 **32. Notice of new Name of Street.** Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street in London until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid.

33. Affixing Names of Streets by Local Authority. The local authority shall and may cause the name of every street to be painted or affixed on a conspicuous part of some house or building at or near each end or entrance to such street or some other convenient part of the street and shall renew such name whenever it may be obliterated or defaced.

34. Altering Names of Streets. The Council may by order alter the name of any street to any other name which to the Council may seem fit.

35. Notice of altering Names of Streets. One month before making an order altering the name of a street the Council shall notify their intention of making such alteration to the local authority and shall also cause notice of their intention to be posted at each end of the street or in some conspicuous position in the street or at the option of the Council to be notified by circular delivered at every house in the street.

Every such notice shall state that the order altering the name of the street may be issued on or after a day to be therein named if no objection in writing to the proposed alteration be given to the Council.

- 23 **36. Numbering Houses.** (1.) The Council may order that any houses or buildings in any street or way or any part thereof shall for the purpose of distinguishing the

same be marked with such numbers as they shall deem convenient for that purpose and which they shall specify in their order in that behalf.

(2.) Whenever the Council have made any such order they shall transmit a copy thereof to the local authority and it shall be the duty of the local authority to perform all necessary acts and to take all requisite proceedings for carrying the order of the Council into execution.

(3.) The local authority shall give notice to the owners or occupiers of the houses and buildings in such street or way to mark their several houses and buildings with such numbers as the Council shall have ordered and to renew the numbers of such houses or buildings as often as they are obliterated or defaced.

(4.) If any occupier of any such house or building neglect for one week after notice from the local authority to mark such house or building with such number as shall be mentioned and required in such notice the local authority may and shall cause such number to be so marked or renewed and recover the expenses thereof from the owner or occupier of such house or building in a summary manner.

37. Power to Council to name and number Streets in default of Local Authority complying with Order. Whenever the Council have transmitted a copy of any order made by them in pursuance of the provisions of this Part of this Act to any local authority and such local authority have for the space of three months after the receipt of such order failed to perform all or any of the necessary acts or to take all or any of the requisite proceedings for carrying such order into execution then and in every such case the Council may perform all or any of such necessary acts or take all or any of such necessary proceedings which the local authority have failed to perform or take and the Council may exercise all the rights powers authorities and jurisdiction of a local authority with respect thereto including the recovery of expenses from owners of houses and buildings.

38. Register to be kept of Alterations in Names of Streets. The Council shall keep a register of all alterations made by them in the names of streets and in the numbers of the houses therein and such register shall be kept in such form as to show the date of every such alteration and the name of the street previous to such alteration as well as the new name thereof. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Council may from time to time determine.

PART V.

OPEN SPACES ABOUT BUILDINGS AND HEIGHT OF BUILDINGS.

39. Meaning of "Domestic Building" in this Part of Act. For the purposes of this Part of this Act the expression "domestic building" shall not include any buildings used or constructed or adapted to be used wholly or principally as offices or counting-houses. 82

40. Light and Ventilation of Habitable Basements. In the case of domestic buildings erected after the commencement of this Act which shall have a habitable basement there shall for the purpose of giving light and air to such basement be provided in the rear of the building and exclusively belonging thereto an open space of an aggregate extent of not less than one hundred square feet free from any erection thereon above the level of the adjoining pavement which open space notwithstanding anything herein-after contained need not necessarily adjoin the rear boundary of the premises.

41. Space at Rear of Domestic Buildings. (1) With respect to domestic buildings erected after the commencement of this Act and abutting upon a street formed or laid out after the commencement of this Act the following provisions shall have effect:— 83

(i.) There shall be provided in the rear of every such building an open space exclusively belonging to such building and of an aggregate extent of not less than one hundred and fifty square feet; 84

Where there is a basement storey directly and sufficiently lighted and ventilated by the open space provided under the preceding section irrespective of any use to which the ground storey is appropriated or where there is no such basement storey but where the ground storey is not constructed or adapted to be inhabited the open space required by this section may be provided above the level of the ceiling of the ground storey or a level of sixteen feet exclusive of lantern-lights measured from the level of the adjoining pavement ;

In all other cases the open space shall be free from any erection thereon above the level of the adjoining pavement except a watercloset earthcloset or privy and a receptacle for ashes and enclosing walls none of which erections shall exceed nine feet in height :

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(ii.) Such open space shall extend throughout the entire width of such building and to a depth in every part of at least ten feet from such building :

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(iii.) The height of any such building in relation to the space required in the rear thereof shall be fixed and ascertained as follows :—

(a.) An imaginary line (hereafter referred to as “the horizontal line”) shall be drawn at right angles to the roadway formed or to be formed in front of the building and through or directly over a point in front of the centre of the face of the building ;

(b.) The horizontal line shall be produced to intersect the boundary of the open space furthest from the said roadway ;

(c.) The horizontal line shall be drawn throughout at the level of the pavement formed or to be formed in front of the centre of the building unless the site of the building incline towards the roadway or site of the roadway in which case the horizontal line shall be drawn directly over the said point in front of the centre of the face of the building at the level throughout of the ground at the boundary of the space furthest from such roadway where such boundary is intersected by the horizontal line ;

(d.) A second imaginary line (in this Part of this Act called “the diagonal line”) shall be drawn in the direction of the building above and in the same vertical plane with the horizontal line and inclined thereto at an angle of sixty-three and a half degrees and meeting the horizontal line where it intersects the boundary of the space furthest removed from such roadway ;

(e.) No part of such building shall extend above the diagonal line except chimneys dormers gables turrets or other architectural ornaments aggregating in all to not more than one third of the width of the rear elevation of such building and except any building which under the provisions of this section is permitted on the open space ;

(f.) When the pavement in front of a building is not all on one level then for the purpose of compliance with this section the mean level of such pavement shall be deemed to be the level thereof And where the boundary of the space at the rear of such building is not parallel with the rear wall of the building then for the purpose of this section the horizontal line shall be drawn to a point distant from such rear wall the mean distance from such wall of the boundary of the space at the rear of such building whether such point be beyond the said boundary or not ;

(g.) When the boundary of the space at the rear of any such building shall be so irregular in shape that a doubt arises as to how the measurement shall be taken application shall be made to the Council and the applicant if dissatisfied with the determination of the Council may appeal to the Tribunal of Appeal ;

(h.) When the land at the rear of any such building and exclusively belonging thereto abuts immediately upon a street or upon an open

space which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise the horizontal line shall be produced and the diagonal line may be drawn from the horizontal line at the centre of the roadway of such street at the level of the surface thereof or at the further boundary of such open space and it shall not be necessary to provide any open space at the rear of such building :

(iv.) The Council may—

(a.) In the case of a building at a corner abutting upon two streets ;

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(b.) In the case of a building at a corner abutting on one side upon a street and on another side upon an open space not less than forty feet wide at any part the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise ;

permit the erection of buildings not exceeding thirty feet in height upon such part of the space in the rear as they may think fit provided that the Council be satisfied that such buildings shall be so placed as not to interfere unduly with the access of light and air to neighbouring buildings ;

When the Council refuse any application under this sub-section for permission to erect a building not exceeding thirty feet in height upon the space at the rear the applicant if dissatisfied with the determination of the Council may appeal to the Tribunal of Appeal :

(v.) In the case of buildings at a corner as herein-before described nothing in this Part as to the determination of height by the diagonal line shall prevent the return front of such buildings being carried up to the full height of the front elevation for a distance of forty feet or for such less distance as the requirements for open space at the rear may demand :

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(vi.) In exceptional cases where owing to the irregular shape of the land any of the preceding provisions of this section cannot be applied the Council may allow such modifications as they may think fit provided the Council be satisfied that such modifications shall not interfere with the due access of light or air and all persons interested dissatisfied with any determination of the Council under this sub-section may appeal to the Tribunal of Appeal.

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(2.) With respect to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before the commencement of this Act the provisions of this section shall apply with this modification that the horizontal line shall be drawn throughout at a level of sixteen feet above the level of the adjoining pavement and that in any such case (except in the case of dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class) the open space to be provided in accordance with paragraphs (i.) and (ii.) of sub-section 1 of this section may be provided above the level of the ceiling of the ground storey or above a level of sixteen feet (exclusive of lantern-lights) above the level of the adjoining pavement.

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Provided always that notwithstanding the preceding provisions of this Part of this Act any part of any domestic building may extend above the diagonal line provided that the Council or Tribunal of Appeal shall be satisfied that an open cubic space of air will be provided at the rear of such building equivalent to the open cubic space which would have been provided at the rear of such building if such diagonal line had been drawn from the ground level in manner provided in sub-section 1 (iii.) of this section and if no part of such building (except as permitted under the preceding provisions of this section) had extended above such diagonal line The applicant if dissatisfied with the determination of the Council may appeal to the Tribunal of Appeal.

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Nothing in this section shall apply to houses abutting in the rear on the River Thames or on a public park or on an open space of not less than eighty feet in depth which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise.

102 **42. Open Space to be Provided about Certain Buildings not on the Public Way.** The following provisions shall have effect with respect to dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class erected after the commencement of this Act not abutting upon a street:—

- (i.) At least one month before commencing to erect any such dwelling-house the person intending to erect the same shall deliver at the county hall a sufficient plan or plans exhibiting the extent and height of the intended dwelling-house in its several parts and also its position in relation to every other building either already existing or in course of erection which is adjacent thereto:
- (ii.) In any case where the Council are satisfied taking all the circumstances of the case into consideration that there will not be provided about such dwelling-house a sufficient open space or spaces for the admission of light and air thereto it shall be lawful for the Council at any time before the expiration of one month from the delivery of the said plan or plans by order to refuse to sanction such plan or plans or to sanction the same subject to such conditions as they may by such order prescribe Provided always that nothing in this sub-section shall authorize the Council to refuse to sanction such plan or plans or to prescribe any conditions when sanctioning the same in any case where the open space or spaces for the admission of light and air proposed to be provided about such dwelling-house is or are equivalent to the open space or spaces which would have been provided about such dwelling-house under the provisions of this Act in case the same had been erected after the commencement of this Act abutting upon a street or way formed or laid out before the commencement of this Act:
- (iii.) No person shall commence to erect any such dwelling-house without having obtained the sanction of the Council to the plans delivered by him:
- (iv.) Unless the Council shall within one month after the delivery of the said plan or plans to them give notice to the person delivering the same of their disapproval thereof the Council shall be deemed to have given their sanction thereto:
- (v.) In case any person intending to erect any such dwelling-house considers that the refusal of the Council to sanction the plans delivered by him or any of the conditions prescribed by the Council is or are unreasonable he may appeal to the Tribunal of Appeal.

90 **43. Saving for certain Domestic Buildings on old Sites.** When any person intends to erect a domestic building (not being a dwelling-house to be inhabited or adapted to be inhabited by persons of the working class) abutting upon a street on the site of domestic buildings existing at the commencement of this Act or on a site vacant at the commencement of this Act but which has been occupied by a domestic building at any time within seven years previous to the commencement of this Act the following provisions shall have effect:—

- (i.) It shall be lawful for such person before commencing to erect the intended domestic building to cause to be prepared plans showing the extent of the previously existing domestic building in its several parts (or in the event of such building having been taken down before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and to cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans;

Such person may then erect the intended domestic building but so that no more land shall be occupied by the newly erected building than was occupied by the previously existing domestic building as so certified. If such person fail to submit such plans to the district surveyor or the district surveyor or the Tribunal of Appeal refuse to certify the accuracy of the same such person shall in rebuilding be bound by the preceding provisions of this

Part of this Act relating to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before that date :

- (ii.) If a person erecting the intended domestic building shall desire to deviate in any respect from the plan or plans certified by the district surveyor it shall be lawful for him to apply to the Council who shall sanction such deviations on such conditions as they may think fit provided that such conditions shall not in any case be more onerous than the conditions prescribed for domestic buildings erected after the commencement of this Act abutting on a street formed or laid out before that date :
- (iii.) A person dissatisfied with any decision of the Council or of a district surveyor under this section may appeal to the Tribunal of Appeal.

44. Laying out of New Streets on Cleared Area. When any person desires to re-arrange a cleared area previously occupied in whole or in part by buildings by forming or laying out a new street or streets or widening a street or streets he may make application to the Council with such plans and sections as may be required by the Council and the Council may if under all the circumstances of the case they think it desirable modify or relax any of the foregoing provisions of this Part of this Act subject to such conditions as the Council may impose. 90

Within two months after the receipt of the application the Council shall either sanction the plans and sections or give notice to the applicant of their disapproval thereof stating fully all their reasons for such disapproval.

Provided that if within the said period of two months the Council fail to give notice of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto.

Any applicant dissatisfied with the determination of the Council may appeal to the Tribunal of Appeal.

45. Courts within a Building. Where a court wholly or in part open at the top but enclosed on every side and constructed or used for admitting light or air to a domestic building is constructed in connexion with such domestic building and the depth of such court from the eaves or top of the parapet to the ceiling of the ground storey exceeds the length or breadth of such court adequate provision for the ventilation of such court shall be made and maintained by the owner of the building by means of a communication between the lower end of the court and the outer air. 91

No habitable room not having a window directly opening into the external air otherwise than into a court enclosed on every side shall be constructed in any building unless the width of such court measured from such window to the opposite wall shall be equal to half the height measured from the sill of such window to the eaves or top of the parapet of the opposite wall.

Provided that a court of which the greater dimension does not exceed twice the less dimension shall be held to comply with this section if a court of the same area but square in shape would comply therewith.

No habitable room above the level of the ground storey not having a window directly opening into the external air otherwise than into a court open on one side the depth whereof measured from the open side exceeds twice the width shall be constructed in any building unless every window of such room be placed not nearer to the opposite wall of such court or to any other building than one half the height of the top of such wall or building above the level of the sill of such window.

46. Superintending Architect may define Front or Rear of Buildings. In any case when it may be necessary the superintending architect shall determine which is the front and which is the rear of a building such determination to be evidenced by his certificate Any person dissatisfied with such certificate may appeal to the Tribunal of Appeal. 86

47. Height of Buildings Limited. A building (not being a church or chapel) shall not be erected of or be subsequently increased to a greater height than eighty feet (exclusive of two storeys in the roof and of ornamental towers turrets or other architectural features or decorations) without the consent of the Council. 92

Provided that where a contract shall have been lawfully made previously to the passing of this Act for the erection or increase of a building to a greater height than eighty feet nothing in this section shall prevent the erection or increase of such building to any height to which it might have been lawfully erected or increased immediately before the passing of this Act.

This section shall not apply to the rebuilding to the same height as at present of any building existing at the passing of this Act of a greater height than eighty feet.

Provided also that where any existing buildings forming part of a continuous block or row of buildings exceed the height prescribed by this section nothing in this section shall prevent any other building in the same block or row belonging at the date of the passing of this Act to the same owner from being carried to a height equal to but not exceeding that of the existing buildings.

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

93 **48. Procedure where Greater Height allowed.** (1.) Whenever the Council consent to the erection of any building of a greater height than that prescribed by this Act notice of such consent shall within one week after such consent has been given be published and served in such manner as the Council may direct and the consent shall not be acted on until twenty-one days after such publication or service or in the event of any appeal against such consent until after the determination of such appeal.

(2.) (a.) The owner or lessee of any building or land within one hundred yards of the site of any intended building who may deem himself aggrieved by the grant of such consent in respect of the last-mentioned building; or

(b.) Any applicant for consent which has been refused; may respectively within twenty-one days after the publication of notice of the consent or after the date of the refusal (as the case may be) appeal to the Tribunal of Appeal.

(3.) Whenever such consent has been refused and the applicant to whom it has been refused intends to appeal against such refusal such applicant shall give notice within twenty-one days of such refusal in such manner as the Council may direct to the owner or lessee of any building or land within one hundred yards of the site of the building to which such refusal relates that he intends to appeal from such refusal.

(4.) In the case of an appeal against the refusal of consent any owner or lessee of any building or land within one hundred yards of the site of the intended building may appear and be heard before the Tribunal of Appeal against any application to reverse or vary the refusal.

94 **49. Heights of Buildings in certain Cases.** After the commencement of this Act no existing building (other than a church or chapel) on the side of a street formed or laid out after the seventh day of August one thousand eight hundred and sixty-two and of a less width than fifty feet shall without the consent of the Council be raised and no new building shall without the consent of the Council be erected on the side of any such street so that the height of such building shall exceed the distance of the front or nearest external wall of such building from the opposite side of such street.

Where such building is erected or intended to be erected on a corner plot so as to abut upon more than one street the height of the building shall (unless the Council otherwise consent) be regulated by the wider of such streets so far as it abuts or will abut upon such wider street and also so far as it abuts or will abut upon the narrower of such streets to a distance of forty feet from the wider street. Provided that any building erected or raised before the commencement of this Act to a height to which no objection could have been taken under any law then in force although exceeding the height provided in this section may be re-erected to its existing height.

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

95 **50. Raising of Buildings so as to comply with Provisions of Act as to Habitable Rooms.** Nothing in this Part of this Act contained shall prevent the raising of any building by increasing the height of the topmost storey thereof to such an extent only as may be necessary for the purpose of bringing any habitable rooms constructed in

such topmost storey into conformity with the provisions of this Act relating to habitable rooms.

51. As to re-erection of certain Working Class Dwellings of Local Authority. 102
Nothing in this Part of this Act contained shall prevent the re-erection on the same site and of not greater dimensions of any dwelling-house inhabited or adapted to be inhabited by persons of the working class erected by a local authority previously to the passing of this Act.

52. Saving for certain Domestic Buildings with Stables in the Rear. In the case 89
of domestic buildings and buildings erected or adapted for use as stables such domestic buildings and such stable buildings being upon sites abutting in the front upon a street and in the rear upon mews and such sites being of a depth of not more than one hundred and fifty feet measured from street to mews the following provisions shall in certain cases have effect :—

If the stable buildings be limited to a depth of fifty feet measured from the mews frontage and to a height of twenty-five feet measured from the level of the mews and if the open space required for the domestic building under section 41 of this Act be provided between the domestic building and the stable building the domestic building and the stable building may for all other purposes of the said section whether in one occupation or not be deemed to be one domestic building with the rear abutting upon a street.

PART VI.

CONSTRUCTION OF BUILDINGS.

53. Structure and Thickness of Walls. Subject to any byelaws of the Council made in pursuance of this Act walls shall be constructed of the substances and in the manner and of not less than the thickness prescribed by this Act or mentioned in the 515
First Schedule to this Act.

54. Rules as to Recesses and Openings. (1.) Recesses and openings may be made 120
in external walls provided—

(a.) That the backs of such recesses are not of less thickness than eight and a half inches ; and

(b.) That the area of such recesses and openings above the ground storey do not taken together exceed one half of the whole area of the wall above the ground storey in which they are made.

(2.) Recesses may be made in party walls provided—

(a.) That the backs of such recesses are not of less thickness than thirteen inches ; and

(b.) That over every recess so formed an arch of at least two rings of brickwork of the full depth of the recess be turned on every storey except in the case of recesses formed for lifts but where such recess does not exceed five inches in depth corbelling in brick or stone may be substituted for the arching ; and

(c.) That the area of such recesses do not taken together exceed one half of the whole area of the wall of the storey in which they are made ; and

(d.) That such recesses do not come within thirteen and a half inches of the inner face of the external walls.

(3.) An opening shall not be made in any party wall except in accordance with the provisions of this Act in relation thereto.

Provided that it shall be lawful for the superintending architect on application made to him in accordance with any rules made in that behalf by the Council to give consent in writing to any modification or relaxation of the requirements of this section with respect to the area of recesses and openings in any special cases where he may think proper The word area as used in this section shall mean the area of the vertical face or elevation of the wall or recess to which it refers.

55. Rules as to Timber in External Walls. All woodwork fixed in any external 123
wall except bressummers and storey posts under the same and frames of doors and

windows of shops on the ground storey of any building shall be set back four inches at the least from the external face of such wall. But loophole frames and frames of doors and windows may be fixed flush with the face of any external wall :

Provided that it shall be lawful for the Council by byelaw or otherwise to exempt from the provisions of this section oak teak or other wood provided the work be constructed to the satisfaction of the district surveyor.

- 123 **56. Rules as to Bressummers.** (1.) Every bressummer whether of wood or metal shall have a bearing in the direction of its length of four inches at least at each end upon a sufficient pier of brick or stone or upon a timber or iron storey post fixed on a solid foundation in addition to its bearing upon any party wall or external wall and the district surveyor shall have power in his discretion to require that every bressummer shall have such other storey posts iron columns stanchions or piers of brick or stone or corbels as may be sufficient to carry the superstructure and the ends of such bressummer if of wood shall not be placed nearer to the centre line of the party walls than four inches.

(2.) At each end of every metallic bressummer a space shall be left equal to one quarter of an inch for every ten feet and also for any fractional part of ten feet of the length of such bressummer to allow for expansion.

(3.) A bond timber or wood plate shall not be built into any party wall and the ends of any wooden beam or joist bearing on such walls shall be at least four inches distant from the centre line of the party walls.

(4.) Every bressummer bearing upon a party wall shall be borne by a templet or corbel of stone or iron tailed through at least half the thickness of the wall and of the full breadth of the bressummer.

(5.) The end of any timber not permitted to be placed in or to have a bearing on a party wall may be carried on a corbel or templet of stone or iron or vitrified stoneware tailed into the wall to a distance of at least eight and a half inches or otherwise supported to the satisfaction of the district surveyor.

- 123 **57. Height and Thickness of Parapets to External Walls.** If any gutter any part of which is formed of combustible materials adjoin an external wall such wall shall be carried up so as to form a parapet one foot at the least above the highest part of the gutter and the thickness of the parapet so carried up shall be at least eight and a half inches throughout.

- 118 **58. Cases in which a Wall to be deemed a Party Wall.** In either of the following cases :—

(a.) When a wall is after the commencement of this Act built as a party wall in any part ; or

(b.) Where a wall built before or after the commencement of this Act becomes after the commencement of this Act a party wall in any part ;

the wall shall be deemed a party wall for such part of its length as is so used.

- 123 **59. Height of Party Walls above Roof.** (1.) Every party wall shall be carried up of a thickness in a building of the warehouse class equal to the thickness of such wall in the topmost storey and in any other building of eight and a half inches above the roof flat or gutter of the highest building adjoining thereto to such a height as will give a distance (in a building of the warehouse class exceeding thirty feet in height) of at least three feet and (in any other building) of fifteen inches measured at right angles to the slope of the roof or fifteen inches above the highest part of any flat or gutter as the case may be.

(2.) Every party wall shall be carried up of the thickness aforesaid above any turret dormer lantern-light or other erection of combustible materials fixed upon the roof or flat of any building within four feet from such party wall and shall extend at the least twelve inches higher and wider on each side than such erection and every party wall shall be carried up above any part of any roof opposite thereto and within four feet therefrom.

- 122 **60. Rules as to Chases in Party Walls.** In a party wall a chase shall not be made wider than fourteen inches nor more than four and a half inches deep from the face of the wall nor so as to leave less than eight and a half inches in thickness at the back or

opposite side thereof and a chase shall not be made within a distance of seven feet from any other chase on the same side of the wall or within thirteen inches from an external wall. No chase shall be made in a wall of less thickness than thirteen inches.

61. Rules as to Construction of Roofs. (1.) The flat gutter and roof of every building and every turret dormer lantern-light skylight or other erection placed on the flat or roof thereof shall be externally covered with slates tiles metal or other incombustible materials except wooden cornices and barge-boards to dormers not exceeding twelve inches in depth and the doors door frames windows and window frames of such dormers turrets lantern-lights skylights or other erections. 124

(2.) *Every building exceeding thirty feet in height used wholly or in part as a dwelling-house or factory and having a parapet shall be provided either—* 190
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(a.) *with a dormer window or a door opening on to the roof; or*

(b.) *with a trap door furnished with a fixed or hinged step ladder leading to the roof; or*

(c.) *with other proper means of access to the roof.*

(3.) The plane of the surface of the roof of a building of the warehouse class shall not incline from the external or party walls upwards at a greater angle than forty-seven degrees with the horizon. Provided that this sub-section shall not apply to towers turrets or spires. 124

(4.) The plane of the surface of the roof of any other building shall not incline from the external or party walls upwards at a greater angle than seventy-five degrees with the horizon. Provided that this sub-section shall not apply to towers turrets or spires.

62. Storeys in Roofs. (1.) Not more than two storeys shall be constructed in the roof of any domestic building. 124

(2.) Any storey constructed in the roof of any domestic building the upper surface of the floor of which storey is at a height of above sixty feet from the street level shall be constructed of fire-resisting materials throughout.

63. Means of Escape at Top of High Buildings. *Every new building exceeding sixty feet in height shall be provided on the storeys the upper surface of the floor whereof is above sixty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as can be reasonably required under the circumstances of the case and no such storeys of such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.* 571

64. Rules as to Chimneys and Flues. (1.) Chimneys built on corbels of brick stone or other incombustible materials may be erected if the work so corbelled out do not project from the wall more than the thickness of the wall measured immediately below the corbel but all other chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built unless they are carried upon iron girders with direct bearings upon party external or cross walls to the satisfaction of the district surveyor. 124

(2.) Chimneys and flues having proper soot doors of not less than forty square inches may be constructed at any angle but in no other case shall any flue be inclined at a less angle than forty-five degrees to the horizon and every angle shall be properly rounded:

All soot doors shall be at least fifteen inches distant from any woodwork.

(3.) An arch of brick or stone or a bar of wrought iron of sufficient strength shall be built over the opening of every chimney to support the breast thereof and if the breast project more than four inches from the face of the wall and the jamb on either side be of less width than seventeen and a half inches the abutments shall be tied in by an iron bar or bars of sufficient strength turned up and down at the ends and built into the jambs for at least eight and a half inches on each side.

(4.) A flue shall not be adapted to or used for any new oven furnace cockle steam-boiler or close fire used for any purpose of trade or business or to or for the range or cooking apparatus of any hotel tavern or eating-house unless the flue be surrounded

with brickwork at least eight and a half inches thick from the floor on which such oven furnace cookle steam-boiler or close fire is situate to the level of the ceiling of the room next above the same.

(5.) A flue shall not be used in connexion with a steam-boiler or hot-air engine unless the flue is at least twenty feet in height measured from the level of the floor on which such engine is placed.

(6.) The inside of every flue and also the outside where passing through any floor or roof or behind or against any woodwork shall be rendered pargeted or lined with fire-resisting piping of stoneware.

(7.) The position and course of every flue shall be distinguished on the outside of the work as it is carried up by outline marks in some durable manner except when the exterior face of the flue forms part of the outer face of an external wall not likely to be built against.

(8.) The jambs of every fireplace opening shall be at least eight and a half inches wide on each side of the opening thereof.

(9.) The breast of every chimney and the brickwork surrounding every smoke flue shall be at least four inches in thickness.

(10.) The back of every fireplace opening in a party wall from the hearth up to the height of twelve inches above the mantel shall be at least eight and a half inches thick.

(11.) The thickness of the upper side of every flue when its course makes with the horizon an angle of less than forty-five degrees shall be at least eight and a half inches.

(12.) Every chimney shaft or smoke flue shall be carried up in brick or stone work at least four inches thick throughout to a height of not less than three feet above the roof flat or gutter adjoining thereto measured at the highest point in the line of junction with such roof flat or gutter.

(13.) The highest six courses of every chimney-stack or shaft shall be built in cement.

(14.) The brickwork or stonework of any chimney shaft except that of the furnace of any steam engine brewery distillery or manufactory shall not be built higher above the roof flat or gutter adjoining thereto than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction unless such chimney shaft is built with and bonded to another chimney shaft not in the same line with the first or otherwise rendered secure.

(15.) There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone slate or other incombustible substance at the least six inches longer on each side than the width of such opening and at the least eighteen inches wide in front of the breast thereof.

(16.) On every floor except the lowest floor such slab shall be laid wholly upon stone or iron bearers or upon brick trimmers or other incombustible materials but on the lowest floor it may be bedded on concrete covering the site or on solid materials placed on such concrete.

(17.) The hearth or slab of every chimney shall be bedded wholly on brick stone or other incombustible substance and shall together with such substance be solid for a thickness of six inches at least beneath the upper surface of such hearth or slab.

(18.) A flue shall not be built in or against any party structure unless it be surrounded with new brickwork at least four inches in thickness properly bonded.

(19.) A chimney breast or shaft built with or in any party wall shall not be cut away unless the district surveyor certifies that it can be done without injuriously affecting the stability of any building.

(20.) A chimney shaft jamb breast or flue shall not be cut into except for the purpose of repair or during some one or more of the following things:—

(a.) Letting in or removing or altering flues pipes or funnels for the conveyance of smoke hot air or steam or letting in removing or altering smoke jacks;

(b.) Forming openings for soot doors such openings to be fitted with a close iron door and frame;

(c.) Making openings for the insertion of ventilating valves subject to the following

restriction that an opening shall not be made nearer than twelve inches to any timber or combustible substance.

(21.) Timber or woodwork shall not be placed—

- (a.) In any wall or chimney breast nearer than twelve inches to the inside of any flue or chimney opening ;
- (b.) Under any chimney opening within ten inches from the upper surface of the hearth of such chimney opening ;
- (c.) Within two inches from the face of the brickwork or stonework about any chimney or flue where the substance of such brickwork or stonework is less than eight and a half inches thick unless the face of such brickwork or stonework is rendered.

(22.) Wooden plugs shall not be driven nearer than six inches to the inside of any flue or chimney opening nor any iron holdfast or other iron fastening nearer than two inches thereto.

65. Furnace Chimney Shafts. Unless the Council otherwise permit every chimney shaft for the furnace of a steam engine brewery distillery or manufactory shall be constructed in conformity with the following rules :— 143

- (1.) Every shaft shall be carried up throughout in brickwork and mortar of the best quality and if detached shall taper gradually from the base to the top of the shaft at the rate of at least two inches and a half in ten feet of height :
- (2.) The thickness of brickwork at the top of the shaft and for twenty feet below the top shall be at least eight and a half inches and shall be increased at least one half brick for every additional twenty feet measured downwards :
- (3.) Every cap cornice pedestal plinth string course or other variation from plain brickwork shall be provided as additional to the thickness of brickwork required under this Act and every cap shall be constructed and secured to the satisfaction of the district surveyor :
- (4.) The foundation of the shaft shall always be made to the satisfaction of the district surveyor on concrete or other sufficient foundation :
- (5.) The footings shall spread all round the base by regular offsets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft and the space enclosed by the footings shall be filled in solid as the work progresses :
- (6.) The width of the base of the shaft if square shall be at least one tenth of the proposed height of the shaft or if the same is round or of any other shape then one twelfth of the height :
- (7.) Any fire bricks built inside the lower portion of the shaft shall be provided as additional to and independent of the thickness of brickwork prescribed by these rules and shall not be bonded therewith.

66. Rules as to Close Fires and Pipes for conveying Vapour etc. (1.) The floor under every oven copper steam-boiler or stove which is not heated by gas and the floor around the same shall for a space of eighteen inches be formed of materials of an incombustible and non-conducting nature not less than six inches thick. 126

(2.) A pipe for conveying smoke or other products of combustion heated air steam or hot water shall not be fixed against any building on the face adjoining to any street or public way.

(3.) A pipe for conveying smoke or other products of combustion shall not be fixed nearer than nine inches to any combustible materials.

(4.) A pipe for conveying heated air or steam shall not be fixed nearer than six inches to any combustible materials.

(5.) A pipe for conveying hot water shall not be placed nearer than three inches to any combustible materials.

Provided that the restrictions imposed by this section with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

For the purposes of this section hot water or steam shall be deemed to be at low pressure when provided with a free blow off.

126 **67. Floors above Furnaces and Ovens.** The floor over any room or enclosed space in which a furnace is fixed and any floor within eighteen inches from the crown of an oven shall be constructed of fire-resisting materials.

131 **68. Rules as to Accesses and Stairs in certain Buildings.** In every public building and in every other building of more than one hundred and twenty-five thousand feet in cubical extent and which is constructed or adapted to be used as a dwelling-house for separate families the floors of the lobbies corridors passages and landings and also the flights of stairs shall be of fire-resisting material and carried by supports of a fire-resisting material.

54 **69. Ventilation of Staircases.** (1.) In every building constructed or adapted to be occupied in separate tenements by more than two families the principal staircase used by the several families in common shall be ventilated upon every storey above the ground storey by means of windows or skylights opening directly into the external air or shall be otherwise adequately ventilated.

(2.) The principal staircase in every building being a dwelling-house and not subject to the provisions of sub-section 1 of this section shall be ventilated by means of a window or skylight opening directly into the external air.

54 **70. Rules as to Habitable Rooms.** (1.) (a.) Every habitable room except rooms wholly or partly in the roof shall be in every part at least eight feet six inches in height from the floor to the ceiling ;

(b.) Every habitable room wholly or partly in the roof of any building shall be at least eight feet in height from the floor to the ceiling throughout not less than one half the area of such room ;

(c.) Every habitable room shall have one or more windows opening directly into the external air or into a conservatory with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one tenth of the floor area of the room and so constructed that a portion equal to at least one twentieth of such floor area can be opened and the opening in each case shall extend to at least seven feet above the floor level but a room having no external wall or a room constructed wholly or partially in the roof may be lighted through the roof by a dormer window with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one twelfth of the floor area of the room and so constructed that a portion of such window equal to at least one twenty-fourth of such floor area can be opened and the opening in each case shall extend to at least five feet above the floor level or such room may be lighted by a lantern-light of which a portion equal to at least one-twentieth of the floor area can be opened ;

(d.) In a building being a dwelling-house every basement room having a wooden floor other than a floor constructed of solid wood bedded on concrete shall have a sufficient space between the ground and the floor surfaces to admit of ventilation by means of air-bricks or otherwise ;

(e.) Every habitable room constructed over a stable shall be separated from the stable by a floor which shall have in every part not occupied by a joist or girder a layer of concrete pugging of good quality or of other solid construction three inches in thickness finished smooth upon the upper surface and properly supported and the under side of such floor shall be ceiled with lath and plaster of good quality or of other solid construction ;

Any staircase or gallery or structure by which such rooms shall be approached shall be separated from any stable to which it may adjoin by a brick wall not less than nine inches in thickness ;

439 (f.) Nothing in this Act shall affect alter or repeal any of the provisions of the Public Health (London) Act 1891 relating to underground rooms.

(2.) If any person knowingly suffer any room constructed after the commencement of this Act that is not constructed in conformity with this section to be inhabited he shall in addition to any other liabilities to which he may be subject be liable to a penalty for every day during which such room is inhabited.

71. Rules as to Party Arches over Public Ways. (1.) Every party arch or party floor and every arch or floor over any public way or any passage leading through or under a building or part of a building to premises in other occupation shall be formed of brick stone or other incombustible materials. 126

(2.) If an arch of brick or stone be used it shall be of the thickness of eight and a half inches at least and the centre of such arch shall be higher than the springing at the rate of one inch at least for every foot and also for any fractional part of a foot of span.

(3.) If an arch or floor of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor.

72. Rules as to Arches under Public Ways. (1.) Every arch or other construction under any passage leading to premises in other occupation or under any public way or intended public way shall be formed of brick stone or other incombustible materials. 127

(2.) If an arch of brick or stone be used it shall—

(a.) Where its span does not exceed ten feet be of the thickness of eight and a half inches at least ;

(b.) Where its span exceeds ten but does not exceed fifteen feet be of the thickness of thirteen inches at least ; and

(c.) Where its span exceeds fifteen feet be of such thickness as may be approved by the district surveyor.

(3.) If an arch or other construction of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor.

73. Rules as to Projections. The following provisions shall (except with the consent of the Council) apply to projections from buildings :—

(1.) Every coping cornice string-course fascia window-dressing portico porch balcony verandah balustrade outside landing outside stairs and outside steps and architectural projection or decoration whatsoever and also the eaves barge-boards and cornices to any overhanging roof except the cornices and dressings to the window fronts of shops and except the eaves barge-boards and cornices to detached and semi-detached dwelling-houses and to other dwelling-houses in which the party walls are corbelled out so as to project four inches beyond such eaves barge-boards or cornices shall be of brick tile stone artificial stone slate cement or other fireproof material : 128

For the purpose of this sub-section a pair of semi-detached houses shall be deemed to be one building :

(2.) Every balcony cornice or other projection shall be tailed into the wall of the building and weighed or tied down to the satisfaction of the district surveyor and no cornice shall exceed in projection two feet six inches over the public way : 129

(3.) In a street or way of a width not greater than thirty feet any shop front may project beyond the external wall of the building to which it belongs to any extent not exceeding five inches and any cornice of any such shop front may project to any extent not exceeding thirteen inches and in any street or way of a width greater than thirty feet any shop front may project to any extent not exceeding ten inches and any cornice of any such shop front may project to any extent not exceeding eighteen inches beyond the external wall of the building to which it belongs over the ground of the owner of the building provided that this provision shall not authorize in any such street the projection of any part of any such shop front other than the cornice on or over the public way or any land to be given up to the public way : 76

(4.) No part of the woodwork of any shop front shall be fixed higher than twenty-five feet above the level of the pavement of the public footpath in front of the shop No part of the woodwork of any shop front shall be fixed nearer than four inches to the centre of the party wall where the adjoining premises are separated by a party wall or nearer than four inches to the 129

face of the wall of the adjoining premises where the adjoining premises have a separate wall unless a pier or corbel of stone brick or other incombustible material four inches wide at the least be placed as high as such woodwork and projecting throughout an inch at the least in front thereof between such woodwork and the centre of the party wall or the separate wall as the case may be :

- 77 (5.) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street bay windows to dwelling-houses may be erected on land belonging to the owner of the building notwithstanding the provisions of this Act relating to buildings beyond the general line of buildings in streets provided that such bay windows—
- (a.) Do not exceed three storeys in height above the level of the footway ;
 - (b.) Do not project more than three feet from the main wall of the building to which they are attached ;
 - (c.) Do not project in any part within the prescribed distance of the centre of the roadway ;
 - (d.) Are in no part nearer to the centre of the nearest party wall than the extreme amount of their projection from the main wall of the building to which they are attached ;
 - (e.) Do not taken together exceed in width three fifths of the frontage of the building towards the street to which such bays face ;
 - (f.) Are not constructed upon any part of the public way or upon any land agreed to be given up to the public way ; and
 - (g.) Shall not be used for trade purposes :

Bay windows to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority :

- 77 (6.) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street projecting oriel windows or turrets may be constructed Provided that—
- (a.) No part of any such projection extend more than three feet from the face of the front wall of the building or more than twelve inches over the public way ;
 - (b.) No part of any such projection be less than ten feet above the level of the footway of the street ;
 - (c.) No part of any such projection (where it overhangs the public way) be within a distance of four feet of the centre of the nearest party wall ;
 - (d.) On no floor shall the total width of any such projections taken together exceed three fifths of the length of the wall of the building on the level of that floor ;
 - (e.) Every such projection be constructed to the satisfaction of the district surveyor or in the event of disagreement to the satisfaction of the superintending architect whose determination shall be final :

Oriel windows or turrets to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority :

- 129 (7.) The roof flat or gutter of every building and every balcony verandah shop front or other similar projection or projecting window shall be so arranged and constructed and so supplied with gutters and pipes as to prevent the water therefrom from dropping upon or running over any public way :

- 77 (8.) Except in so far as is permitted by this section in the case of shop fronts and projecting windows and with the exception of water pipes and their appurtenances copings string courses cornices facias window dressings and other like architectural decorations no projection from any building shall extend

beyond the general line of buildings in any street except with the permission of the Council after consulting the local authority.

74. Separation of Buildings. (1.) Every building shall be separated either by an external wall or by a party wall or other proper party structure from the adjoining building (if any) and from each of the adjoining buildings (if more than one). 110

(2.) In every building exceeding ten squares in area used in part for purposes of trade or manufacture and in part as a dwelling-house the part used for the purposes of trade or manufacture shall be separated from the part used as a dwelling-house by walls and floors constructed of fire-resisting materials and all passages staircases and other means of approach to the part used as a dwelling-house shall be constructed throughout of fire-resisting materials. The part used for purposes of trade or manufacture shall (if extending to more than two hundred and fifty thousand cubic feet) be subject to the provisions of this Act relating to the cubical extent of buildings of the warehouse class: 131

Provided that there may be constructed in the walls of such staircases and passages such doorways as are necessary for communicating between the different parts of the building and there may be formed in any walls of such building openings fitted with fire-resisting doors.

(3.) In every building exceeding twenty-five squares in area containing separate sets of chambers or offices or rooms tenanted or constructed or adapted to be tenanted by different persons the floors and principal staircases shall be of fire-resisting materials: 131

But this provision shall not entitle the district surveyor to charge for the inspection of each set of chambers as a separate building.

75. Cubical Extent of Buildings. *Except as in this section provided no building of the warehouse class shall extend to more than two hundred and fifty thousand cubic feet unless divided by party walls in such manner that no division thereof extend to more than two hundred and fifty thousand cubic feet.* 584

No addition shall be made to any building of the warehouse class or to any division thereof so that the cubical extent of any such building or division shall exceed two hundred and fifty thousand cubic feet.

The restriction contained in this section upon the cubical extent of a building shall not apply to any building which being at a greater distance than two miles from Saint Paul's Cathedral is used wholly for the manufacture of the machinery and boilers of steam vessels or for a retort house or the manufacture of gas or for generating electricity provided that such building consist of one floor only and be constructed of brick stone iron or other incombustible material throughout and shall not be used for any purpose other than such as herein-before specified. Every such building shall for the purpose of the provisions of this Act with respect to special buildings be deemed to be a building to which the general rules of this Act are inapplicable.

76. Consent to larger Dimensions. *Where the Council are satisfied on the report of the superintending architect and of the chief officer of the fire brigade that additional cubical extent is necessary for any building to be used for any trade or manufacture and are satisfied that proper arrangements have been or will be made and maintained for lessening so far as reasonably practicable danger from fire the Council may consent to such building containing additional cubical extent:*

Provided that such building shall not—

- (i.) *Extend to a number of cubic feet exceeding four hundred and fifty thousand or any less number allowed by the Council without being divided by party walls in such manner that the cubical extent of each division do not exceed that number;*
- (ii.) *Exceed sixty feet in height;*
- (iii.) *Be used for the purpose of any trade or manufacture involving the use of explosive or inflammable materials.*

Such consent shall continue in force only while the said building is actually used for the purposes of the trade or manufacture in respect of which the consent was granted.

77. Rules as to uniting Buildings. (1.) *Buildings shall not be united except where they are wholly in one occupation or are constructed or adapted to be so.*

(2.) *Buildings shall not be united if when so united and considered as one building only they would not be in conformity with this Act.*

(3.) *An opening shall not be made in any party wall or in two external walls dividing buildings which if taken together would extend to more than two hundred and fifty thousand cubic feet except under the following conditions :—*

(a.) *Such opening shall not exceed in width seven feet or in height eight feet and such opening or openings taken together shall not exceed one half the length of such party wall on each floor of the building in which they occur ;*

(b.) *Such opening shall have the floor jambs and head formed of brick stone or iron and be closed by two wrought iron doors each one fourth of an inch thick in the panel at a distance from each other of the full thickness of the wall fitted to rebated frames without woodwork of any kind or by wrought iron sliding doors or shutters properly constructed fitted into grooved or rebated iron frames ;*

(c.) *If the thickness of the wall be not less than twenty-four inches or the doors be placed at a distance from each other of not less than twenty-four inches such opening may be nine feet six inches in height.*

(4.) *Whenever any buildings which have been united cease to be in one occupation all openings made for the purpose of uniting the same in any party wall between the buildings or in any external wall shall be stopped up with brick or stone work not less than thirteen inches in thickness (except in the case of a wall eight and a half inches in thickness in which case eight and a half inches shall be sufficient) and properly bonded with such wall and any timber not in conformity with this Act placed in the wall shall be removed.*

(5.) *Whenever any buildings which have been united cease to be in one occupation the owner thereof shall forthwith give notice to the district surveyor and shall cause any openings made in the party wall to be stopped up and bonded as aforesaid.*

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78. Construction of Public Buildings. Notwithstanding anything in this Act every public building including the walls roofs floors galleries and staircases and every structure and work constructed or done in connection with or for the purposes of the same shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the Tribunal of Appeal and save so far as respects the rules of construction every public building shall throughout this Act be deemed to be included in the term building and be subject to all the provisions of this Act in the same manner as if it were a building erected for a purpose other than a public purpose.

No public building shall be used as such until the district surveyor or the Tribunal of Appeal shall have declared his or their approval of the construction thereof.

After the district surveyor shall have so declared his approval or shall certify that it has been constructed as directed by the Tribunal of Appeal any work affecting or likely to affect the building shall not be done to in or on the building without the approval of the district surveyor or such certificate as aforesaid.

79. Conversion of Houses etc. into Public Buildings. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building such conversion or alteration shall be carried into effect and the public building thereby formed including the walls roofs floors galleries and staircases thereof shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the Tribunal of Appeal and the provisions of this Act shall apply to such alteration or conversion as though it were the construction of a public building.

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80. Staircases in Churches and Chapels. The following rules shall be observed with respect to new churches chapels meeting-houses public halls public lecture rooms public exhibition rooms and public places of assembly or additions or alterations by which increased accommodation is to be provided to existing churches chapels and meeting-houses public halls public lecture rooms public exhibition rooms or public places of assembly :—

(a.) Every staircase for the use of the public shall be supported and enclosed by brick walls not less than nine inches thick The treads of each flight of stairs shall be of uniform width :

- (b.) No staircase internal corridor or passage-way for the use of the public shall be less than four feet six inches wide. Provided that where not more than two hundred persons are to be accommodated in such church chapel meeting-house hall lecture room exhibition room or place of assembly such staircase internal corridor or passage-way may be of the width of three feet six inches :
- (c.) Every staircase corridor or passage-way for the use of the public and which communicates with any portion of the building intended for the accommodation of a larger number of the public than four hundred shall be increased in width by six inches for every additional one hundred persons until a maximum width of nine feet be obtained. Provided always that in every case where the staircases are six feet wide and upwards they shall be divided by a hand-rail. Provided also that in lieu of a single staircase corridor or passage-way of the width in this sub-section prescribed it shall be lawful to substitute two staircases corridors or passage-ways each being of a width at least equal to two-thirds of the width in this sub-section prescribed for the single staircase corridor or passage-way but so that neither of such two substituted corridors staircases or passage-ways shall be less than three feet six inches wide :
- (d.) In all cases where a portion of the public is to be accommodated over or at a higher level than others of the public a separate means of exit of the width above prescribed for staircases internal corridors or passage-ways and communicating directly with the street or open space shall be provided from each floor or level :
- (e.) All doors and barriers shall be made to open outwards and no outside locks or bolts are to be affixed thereto.

81. Application of Act to Buildings under Railway Arches. Where a building erected after the commencement of this Act under or in or by inclosure of a railway arch or abutting thereon is constructed or adapted to be used for human habitation this Act shall apply to the building and to every work done to in or on the same in like manner and to the like extent as far as may be as if the building were built in any other position.

PART VII.

SPECIAL AND TEMPORARY BUILDINGS AND WOODEN STRUCTURES.

82. Application to Council for Buildings to which Rules of Act are inapplicable. 145

(1.) Where a builder is desirous of erecting an iron building or structure or any other building or structure to which the general provisions of Part VI. of this Act are inapplicable or in the opinion of the Council inappropriate having regard to the special purpose for which the building or structure is designed and actually used he shall make an application to the Council accompanied by a plan of the proposed building with such particulars as to the construction thereof as may be required by the Council.

(2.) The Council if satisfied with such plan and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plan and particulars but the Council shall not authorize any building of the warehouse class to be erected of greater cubical extent than two hundred and fifty thousand cubic feet except in accordance with the foregoing provisions of this Act.

(3.) The Council may for the purpose of regulating the procedure in relation to such applications issue such general rules as they think fit as to the time and manner of making applications and as to the plans to be presented the expenses to be incurred and any other matter or thing connected therewith. 625

(4.) All expenses incurred in and about the obtaining the approval of the Council shall be paid by the builder to the superintending architect or to such other person as the Council may appoint and in default of payment may be recovered in a summary manner.

(5.) A copy of any plans and particulars approved by the Council shall be furnished

to the district surveyor within whose district the building to which such plans and particulars relate is situate and it shall be his duty to ascertain that the same is built in accordance with the said plans and particulars.

- 146 **83. Control by Council of certain Temporary Buildings.** Where an application is made to the Council by any person stating his desire to erect in any place an iron or other building or structure of a temporary character to which the general provisions of Part VI. of this Act are inapplicable the Council may if they approve of the plan and particulars of the building or structure limit the period during which it shall be allowed to remain in that place and may make their approval subject to such conditions as to the removal of the building or structure or otherwise as they think fit and if at the expiration of that period the building or structure be not removed in accordance with those conditions the Council may serve a notice on the occupier or owner of such building or structure requiring him to remove it within a reasonable time specified in the notice and if the occupier or owner fail to remove such building or structure within the time named the Council may notwithstanding the imposition and recovery of any penalty cause complaint thereof to be made before a petty sessional court who shall thereupon issue a summons requiring such occupier or owner to appear to answer such complaint and if the said complaint is proved to the satisfaction of the court the court may make an order in writing authorizing the Council to enter upon the land upon which such building is situated and to remove or take down the same and do whatever may be necessary for such purpose and also to remove the materials of which the same is composed to a convenient place and (unless the expenses of the Council be paid to them within fourteen days after such removal) sell the same as they think proper.

- 146 } **84. Wooden Structures not to be erected without Licence of Council.** (1.) No
537 } person shall set up in any place any wooden structure (unless it be exempt from the operation of this Part of this Act) except hoardings enclosing vacant land and not exceeding in any part twelve feet in height without having first obtained for that purpose a licence from the Council and the licence may contain such conditions with respect to the structure and the time for which it is to be permitted to continue in the said place as the Council think expedient.

(2.) Provided that a licence shall not be required in the case of any wooden structure of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair.

Provided that this section shall not extend to or apply within the City or to any hoarding duly licensed by the local authority under any statutory powers in that behalf.

- 147 **85. Piles of Loose Timber not regarded as Structures.** This Part of this Act shall not apply in the case of a pile stack or store of timber not being a structure affixed or fastened to the ground.

86. As to Structures of Railway Companies. Structures or erections erected or set up upon the premises of any railway company and used for the purposes of or in connexion with the traffic of such railway company shall be exempt from the operation of this Part of this Act.

PART VIII.

RIGHTS OF BUILDING AND ADJOINING OWNERS.

- 217 **87. Rights of Owners of Adjoining Lands respecting Erection of Walls on Line of Junction.** Where lands of different owners adjoin and are unbuilt on at the line of junction and either owner is about to build on any part of the line of junction the following provisions shall have effect:—

- (1.) If the building owner desire to build a party wall on the line of junction he may serve notice thereof on the adjoining owner describing the intended wall:
- (2.) If the adjoining owner consent to the building of a party wall the wall shall be

built half on the land of each of the two owners or in such other position as may be agreed between the two owners :

- (3.) The expense of the building of the party wall shall be from time to time defrayed by the two owners in due proportion regard being had to the use made and which may be made of the wall by the two owners respectively :
- (4.) If the adjoining owner do not consent to the building of a party wall the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land :
- (5.) If the building owner do not desire to build a party wall on the line of junction but desires to build an external wall placed wholly on his own land he may serve notice thereof on the adjoining owner describing the intended wall :
- (6.) Where in either of the cases aforesaid the building owner proceeds to build an external wall on his own land he shall have a right at his own expense at any time after the expiration of one month from the service of the notice to place on the land of the adjoining owner below the level of the lowest floor the projecting footings of the external wall with concrete or other solid sub-structure thereunder making compensation to the adjoining owner or occupier for any damage occasioned thereby the amount of such compensation if any difference arise to be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined :

Where an external wall is built against another external wall or against a party wall it shall be lawful for the district surveyor to allow the footing of the side next such other external or party wall to be omitted.

88. Rights of Building Owner. The building owner shall have the following rights 217
in relation to party structures (that is to say) :—

- (1.) A right to make good underpin or repair any party structure which is defective or out of repair :
- (2.) A right to pull down and rebuild any party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down :
- (3.) A right to pull down any timber or other partition which divides any buildings and is not conformable with the regulations of this Act and to build instead a party wall conformable thereto :
- (4.) In the case of buildings having rooms or storeys the property of different owners intermixed a right to pull down such of the said rooms or storeys or any part thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (5.) In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons a right to pull down such of the said buildings arches or communications or such parts thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (6.) A right to raise and underpin any party structure permitted by this Act to be raised or underpinned or any external wall built against such party structure upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party structure or external wall :
- (7.) A right to pull down any party structure which is of insufficient strength for any building intended to be built and to rebuild the same of sufficient strength for the above purpose upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof :
- (8.) A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (9.) A right to cut away any footing or any chimney breasts jambs or flues projecting or other projections from any party wall or external walls in order to erect

an external wall against such party wall or for any other purpose upon condition of making good all damage occasioned to the adjoining premises by such operation :

- (10.) A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging the ground of the building owner in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down :
- (11.) A right to perform any other necessary works incident to the connexion of a party structure with the premises adjoining thereto. But the above rights shall be subject to this qualification that any building which has been erected previously to the date of the commencement of this Act shall be deemed to be conformable with the provisions of this Act if it be conformable with the provisions of the Acts of Parliament regulating buildings in London before the commencement of this Act :
- (12.) A right to raise a party fence wall or to pull the same down and rebuild it as a party wall.

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89. Rights of Adjoining Owner. (1.) Where a building owner proposes to exercise any of the foregoing rights with respect to party structures the adjoining owner may by notice require the building owner to build on any such party structure such chimney copings jambs or breasts or flues or such piers or recesses or any other like works as may fairly be required for the convenience of such adjoining owner and may be specified in the notice and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right.

(2.) Any difference that arises between a building owner and adjoining owner in respect of the execution of any such works shall be determined in manner in which differences between building owners and adjoining owners are herein-after directed to be determined.

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90. Rules as to exercise of Rights by Building and Adjoining Owners. (1.) A building owner shall not except with the consent in writing of the adjoining owner and of the adjoining occupiers or in cases where any wall or party structure is dangerous (in which cases the provisions of Part IX. of this Act shall apply) exercise any of his rights under this Act in respect of any party fence wall unless at least one month or exercise any of his rights under this Act in relation to any party wall or party structure other than a party fence wall unless at least two months before doing so he has served on the adjoining owner a party wall or party structure notice stating the nature and particulars of the proposed work and the time at which the work is proposed to be commenced.

(2.) When a building owner in the exercise of any of his rights under this Part of the Act lays open any part of the adjoining land or building he shall at his own expense make and maintain for a proper time a proper hoarding and shoring or temporary construction for protection of the adjoining land or building and the security of the adjoining occupier.

(3.) A building owner shall not exercise any right by this Act given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4.) A party wall or structure notice shall not be available for the exercise of any right unless the work to which the notice relates is begun within six months after the service thereof and is prosecuted with due diligence.

(5.) Within one month after receipt of such notice the adjoining owner may serve on the building owner a notice requiring him to build on any such party structure any works to the construction of which he is herein-before declared to be entitled.

(6.) The last-mentioned notice shall specify the works required by the adjoining owner for his convenience and shall if necessary be accompanied by explanatory plans and drawings.

(7.) If either owner do not within fourteen days after the service on him of any notice express his consent thereto he shall be considered as having dissented therefrom and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.

91. Settlement of Difference between Building and Adjoining Owners. (1.) In all cases not specially provided for by this Act where a difference arises between a building owner and adjoining owner in respect of any matter arising with reference to any work to which any notice given under this Part of this Act relates unless both parties concur in the appointment of one surveyor they shall each appoint a surveyor and the two surveyors so appointed shall select a third surveyor and such one surveyor or three surveyors or any two of them shall settle any matter from time to time during the continuance of any work to which the notice relates in dispute between such building and adjoining owner with power by his or their award to determine the right to do and the time and manner of doing any work and generally any other matter arising out of or incidental to such difference but any time so appointed for doing any work shall not unless otherwise agreed commence until after the expiration of the period by this Part of this Act prescribed for the notice in the particular case. 221

(2.) Any award given by such one surveyor or by such three surveyors or by any two of them shall be conclusive and shall not be questioned in any court with this exception that either of the parties to the difference may appeal therefrom to the county court within fourteen days from the date of the delivery of the award and the county court may subject as hereafter in this section mentioned rescind the award or modify it in such manner as it thinks just.

(3.) If either party to the difference make default in appointing a surveyor for ten days after notice has been served on him by the other party to make such appointment the party giving the notice may make the appointment in the place of the party so making default.

(4.) The costs incurred in making or obtaining the award shall be paid by such party as the surveyor or surveyors determine.

(5.) If the appellant from any such award on appearing before the county court declare his unwillingness to have the matter decided by that court and prove to the satisfaction of the judge of that court that in the event of the matter being decided against him he will be liable to pay a sum exclusive of costs exceeding fifty pounds and gives security to be approved by the judge duly to prosecute his appeal and to abide the event thereof all proceedings in the county court shall thereupon be stayed and the appellant may bring an action in the High Court against the other party to the difference.

(6.) The plaintiff in such action shall deliver to the defendants an issue whereby the matters in difference between them may be tried and the form of such issue in case of dispute or in case of the non-appearance of the defendant shall be settled by the High Court and such action shall be prosecuted and issue tried in the same manner and subject to the same incidents in and subject to which actions are prosecuted and issues tried in other cases within the jurisdiction of the High Court or as near thereto as circumstances admit.

(7.) If the parties to any such action agree as to the facts a special case may be stated for the opinion of the High Court and any case so stated may be brought before the court in like manner and subject to the same incidents in and subject to which other special cases are brought before such court or as near thereto as circumstances admit and any costs that may have been incurred in the county court by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action and be payable accordingly.

(8.) Where both parties to the difference have concurred in the appointment of one surveyor for the settlement of such difference then if such surveyor refuse or for seven days neglect to act or die or become incapable to act before he has made his award the matters in dispute shall be determined in the same manner as if such single surveyor had not been appointed.

(9.) Where each party to the difference has appointed a surveyor for the settlement

of the difference and a third surveyor has been selected then if such third surveyor refuse or for seven days neglect to act or before such difference is settled die or become incapable to act the two surveyors shall forthwith select another third surveyor in his place and every third surveyor so selected as last aforesaid shall have the same powers and authorities as were vested in his predecessor.

(10.) Where each party to the difference has appointed a surveyor for the settlement of the difference then if the two surveyors so appointed refuse or for seven days after request of either party neglect to select a third surveyor or another third surveyor in the event of the refusal or neglect to act death or incapacity of the third surveyor for the time being a Secretary of State may on the application of either party select some fit person to act as third surveyor and every surveyor so selected shall have the same powers and authorities as if he had been selected by the two surveyors appointed by the parties.

(11.) Where each party to the difference has appointed a surveyor for the settlement of the difference then if before such difference is settled either surveyor so appointed die or become incapable to act the party by whom such surveyor was appointed may appoint in writing some other surveyor to act in his place and if for the space of seven days after notice served on him by the other party for that purpose he fail to do so the other surveyor may proceed *ex parte* and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred and every surveyor so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former surveyor at the time of his death or disability as aforesaid.

(12.) Where each party to the difference has appointed a surveyor for the settlement of the difference then if either of the surveyors refuse or for seven days neglect to act the other surveyor may proceed *ex parte* and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred.

218 **92. Power for Building Owner to Enter Premises.** A building owner his servants agents and workmen at all usual times of working may enter and remain on any premises for the purpose of executing and may execute any work which he has become entitled or is required in pursuance of this Act to execute removing any furniture or doing any other thing which may be necessary and if the premises are closed he and they may accompanied by a constable or other officer of the peace break open any fences or doors in order to effect such entry :

Provided that before entering on any premises for the purposes of this section the building owner shall except in the case of emergency give fourteen days notice of his intention so to do to the owner and occupier and in case of emergency shall give such notice as may be reasonably practicable.

218 **93. Building Owner to Underpin Adjoining Owner's Building.** Where a building owner intends to erect within ten feet of a building belonging to an adjoining owner a building or structure any part of which within such ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner he may and if required by the adjoining owner shall (subject as herein-after provided) underpin or otherwise strengthen the foundations of the said building so far as may be necessary and the following provisions shall have effect :—

- (1.) At least two months notice in writing shall be given by the building owner to the adjoining owner stating his intention to build and whether he proposes to underpin or otherwise strengthen the foundations of the said building and such notice shall be accompanied by a plan and sections showing the site of the proposed building and the depth to which he proposes to excavate :
- (2.) If the adjoining owner shall within fourteen days after being served with such notice give a counter notice in writing that he disputes the necessity of or require such underpinning or strengthening a difference shall be deemed to have arisen between the building owner and the adjoining owner :
- (3.) The building owner shall be liable to compensate the adjoining owner and

occupier for any inconvenience loss or damage which may result to them by reason of the exercise of the powers conferred by this section :

- (4.) Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner.

94. Security to be given by Building Owner and Adjoining Owner. An adjoining owner may if he think fit by notice in writing require the building owner (before commencing any work which he may be authorized by this Part of this Act to execute) to give such security as may be agreed upon or in case of difference may be settled by the judge of the county court for the payment of all such expenses costs and compensation in respect of the work as may be payable by the building owner. 219
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The building owner may if he think fit at any time after service on him of a party wall or party structure requisition by the adjoining owner and before beginning a work to which the requisition relates but not afterwards serve a counter requisition on the adjoining owner requiring him to give such security for payment of the expenses costs and compensation for which he is or will be liable as may be agreed upon or in case of difference may be settled as aforesaid.

If the adjoining owner do not within one month after service of that counter requisition give security accordingly he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall or party structure requisition and the building owner may proceed as if no party wall or party structure requisition had been served on him by the adjoining owner.

95. Rules as to Expenses in respect of Party Structures. (1.) As to expenses to be borne jointly by the building owner and adjoining owner :— 222

- (a.) If any party structure be defective or out of repair the expense of making good underpinning or repairing the same shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes or may make of the structure ;
- (b.) If any party structure be pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the structure ;

If any timber or other partition dividing a building be pulled down in exercise of the right by this Part of this Act vested in a building owner and a party structure be built instead thereof the expense of building such party structure and also of building any additional party structures that may be required by reason of the partition having been pulled down shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the party structure and to the thickness required for support of the respective buildings parted thereby ;

- (c.) If any rooms or storeys or any parts thereof the property of different owners and intermixed in any building be pulled down in pursuance of the right by this Part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such rooms or storeys ;
- (d.) If any arches or communications over public ways or over passages belonging to other persons than the owners of the buildings connected by such arches or communications or any parts thereof be pulled down in pursuance of the right by this Part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such arches or communications.

(2.) As to expenses to be borne by the building owner :—

- (a.) If any party structure or any external wall built against another external wall

be raised or underpinned in pursuance of the power by this Part of this Act vested in a building owner the expense of raising or underpinning the same and of making good all damage occasioned thereby and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up shall be borne by the building owner ;

- (b.) If any party structure which is of proper materials and sound or not so far defective or out of repair as to make it necessary or desirable to pull it down be pulled down and rebuilt by the building owner the expense of pulling down and rebuilding the same and of making good any damage by this Part of this Act required to be made good and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner shall be borne by the building owner ;
- (c.) If any party structure be cut into by the building owner the expense of cutting into the same and of making good any damage by this Part of this Act required to be made good shall be borne by such building owner ;
- (d.) If any footing chimney breast jambs or floor be cut away in pursuance of the powers by this Part of this Act vested in a building owner the expense of such cutting away and of making good any damage by this Part of this Act required to be made good shall be borne by the building owner ;
- (e.) If any party fence wall be raised for a building the expense of raising such wall shall be borne by the building owner ;
- (f.) If any party fence wall be pulled down and built as a party wall the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner.

If at any time the adjoining owner make use of any party structure or external wall (or any part thereof) raised or underpinned as aforesaid or of any party fence wall pulled down and built as a party wall (or any part thereof) beyond the use thereof made by him before the alteration there shall be borne by the adjoining owner from time to time a due proportion of the expenses (having regard to the use that the adjoining owner may make thereof) :—

- (i.) Of raising or underpinning such party structure or external wall and of making good all such damage occasioned thereby to the adjoining owner and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up ;
- (ii.) Of pulling down and building such party fence wall as a party wall.

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96. Account of Expenses to be Delivered to Adjoining Owner. Within one month after the completion of any work which a building owner is by this Part of this Act authorized or required to execute and the expense of which is in whole or in part to be borne by an adjoining owner the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work specifying any deduction to which such adjoining owner or other person may be entitled in respect of old materials or in other respects and every such work shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality and the market price of materials and labour at the time.

97. Adjoining Owner may Object to Account. At any time within one month after the delivery of the said account the adjoining owner if dissatisfied therewith may declare his dissatisfaction to the building owner by notice in writing served by himself or his agent and specifying his objection thereto and thereupon a difference shall be deemed to have arisen between the parties and shall be determined in manner hereinbefore in this Part of this Act provided for the settlement of differences between building and adjoining owners.

98. Building Owner may Recover if no Appeal made. If within the said period of one month the adjoining owner do not declare in the said manner his dissatis-

faction with the account he shall be deemed to have accepted the same and shall pay the same on demand to the party delivering the account and if he fail to do so the amount so due may be recovered as a debt.

99. Structure to belong to Building Owner until Contribution paid. Where the adjoining owner is liable to contribute to the expenses of building any party structure then until such contribution is paid the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.

100. Adjoining Owner liable to Expenses incurred on his Requisition. The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner and in default payment of the same may be recovered from him as a debt.

101. Saving for Lights in Party Walls etc. Nothing in this Act shall authorize 226 any interference with an easement of light or other easements in or relating to a party wall or take away abridge or prejudicially affect any right of any person to preserve or restore any light or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

PART IX.

DANGEROUS AND NEGLECTED STRUCTURES.

DANGEROUS STRUCTURES.

102. Meaning of Structure. In this Part of this Act the expression "structure" 174 includes any building wall or other structure and anything affixed to or projecting from any building wall or other structure.

103. Survey to be made of Dangerous Structures. (1.) Where it is made known to the Council that any structure is in a dangerous state the Council shall require a survey of such structure to be made by the district surveyor or by some other competent surveyor.

(2.) For the purposes of this Part of this Act the expression "district surveyor" shall be deemed to include any surveyor so appointed.

(3.) The district surveyor shall make known to the Council any information which he may receive with respect to any structure being in a dangerous state.

(4.) It shall be lawful for the district surveyor to enter into any structure or upon any land upon which any structure is situate for the purpose of making a survey of such structure.

104. Effect of this Part of Act within the City. In cases where any such 174 structure is situate within the City this Part of this Act relating to dangerous structures shall be read as if the Commissioners of Sewers were named therein instead of the Council and all costs and expenses of and all payments hereby directed to be made by or to such Commissioners shall be made by or to the Chamberlain of the City out of or to the consolidated rate made by such Commissioners in the same manner as payments are made by or to such Chamberlain in the ordinary course of his business.

105. Surveyor to give Certificate. Upon the completion of his survey the district 175 surveyor employed shall certify to the Council his opinion as to the state of the structure.

106. Notice to be given to Owner in respect of Certificate. If the certificate is to the effect that the structure is not in a dangerous state no further proceedings shall be had in respect thereof but if it is to the effect that the same is in a dangerous state the Council may cause the same to be shored up or otherwise secured and a proper hoard or fence to be put up for the protection of passengers and shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to take down secure or repair the same as the case requires.

107. Proceedings to Enforce Compliance with Notice. (1.) If the owner or 176 occupier on whom the notice is served fail to comply as speedily as the nature of the case permits with the notice a petty sessional court on complaint by the Council may order the owner to take down repair or otherwise secure to the satisfaction of the

district surveyor the structure or such part thereof as appears to the court to be in a dangerous state within a time to be fixed by the order and if the same be not taken down repaired or otherwise secured within the time so limited the Council may with all convenient speed cause all or so much of the structure as is in a dangerous condition to be taken down repaired or otherwise secured in such manner as may be requisite :

Provided that if the owner of the structure dispute the necessity of any of the requisitions comprised in the notice he may by notice in writing to the Council within seven days from the service of the notice upon himself require that the subject shall be referred to arbitration.

(2.) In case the owner require arbitration he may at the time of giving such notice appoint an independent surveyor to report on the condition of the structure in conjunction with the district surveyor within seven days of the receipt by the Council of the notice of appointment of the owner's surveyor and all questions of fact or matters in dispute which cannot be agreed between the owner's surveyor and the district surveyor shall be referred for final decision to a third surveyor who shall (before the owner's surveyor and the district surveyor enter upon the discussion of the question in dispute) have been appointed to act as arbitrator by such two surveyors or in the event of their disagreeing by a petty sessional court on the application of either of them :

Such arbitrator shall make his award within fourteen days.

(3.) The notice served by the Council shall be discharged amended or confirmed in accordance with the decision of the two surveyors or the arbitrator as the case may be.

(4.) Unless the arbitrator otherwise direct the costs of and incident to the determination by the two surveyors or the arbitrator of the question in dispute shall be borne and paid in the event of such determination being adverse to the contention of the district surveyor by the Council or in the event of such determination being adverse to the contention of the owner's surveyor by the owner.

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108. Court may make Order notwithstanding Arbitration. Notwithstanding any such notice requiring arbitration as aforesaid a petty sessional court on complaint by the Council may if of opinion that the structure is in such a dangerous condition as to require immediate treatment make any order which such court may think fit with respect to the taking down repairing or otherwise securing the structure.

109. Expenses. (1.) All expenses incurred by the Council in relation to the obtaining of any order as to a dangerous structure and carrying the same into effect under this Part of this Act shall be paid by the owner of the structure but without prejudice to his right to recover the same from any person liable to the expenses of repairs.

(2.) If the owner cannot be found or if on demand he refuse or neglect to pay the said expenses the Council after serving on him three months notice of their intention to do so may if in their discretion they think fit sell the structure but they shall after deducting from the proceeds of the sale the amount of all expenses incurred by them pay the surplus (if any) to the owner on demand.

110. Provisions respecting Sale of Dangerous Structures. Where under this Part of this Act any dangerous structure is sold for payment of the expenses incurred in respect thereof by the Council the purchaser his agents and servants may enter upon the land whereon the structure is standing for the purpose of taking down the same and of removing the materials of which it is constructed.

111. If Proceeds Insufficient Land not to be Built on till Balance Paid. Where the proceeds of the sale of any such structure are insufficient to repay to the Council the amount of the expenses incurred by them in respect of such structure no part of the land whereon the structure stands or stood shall be built upon until after the balance due to the Council in respect of the structure has been paid.

112. Recovery of Expenses. If the materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover the expenses or the balance thereof from the owner of the building together with all costs in respect thereof in a summary manner.

113. Fees to Surveyor. (1.) There shall be paid to the district surveyor in respect of his services under this Part of this Act in relation to any dangerous structures the fees specified in Part II. of the Third Schedule to this Act. 176 522

(2.) Provided that if any special service is required to be performed by the district surveyor under this Part of this Act for which no fee is specified in the said Schedule the Council may order such fee to be paid for that service as they think fit.

(3.) All fees paid to any surveyor by virtue of this section shall be deemed to be expenses incurred by the Council in the matter of the dangerous structure in respect of which such fees are paid and shall be recoverable by them from the owner accordingly.

114. Power to Remove Inmates from Dangerous Structure. Where a structure has been certified by a district surveyor to be dangerous to its inmates a petty sessional court may if satisfied of the correctness of the certificate upon the application of the Council by order direct that any inmates of such structure be removed therefrom by a constable or other peace officer and if they have no other abode he may require that they be received into the workhouse for the place in which the structure is situate. 177

NEGLECTED STRUCTURES.

115. Removal of Dilapidated and Neglected Buildings. (1.) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a petty sessional court on complaint by the Council may order the owner to take down or repair or rebuild such structure (in this Act referred to as a neglected structure) or any part thereof or to fence in the ground upon which it stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing. 180

(2.) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3.) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4.) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

SUPPLEMENTAL AS TO DANGEROUS AND NEGLECTED STRUCTURES.

116. Provision for Enforcing Repayment of Expenses incurred by Council. (1.) Where the Council have incurred any expenses in respect of any dangerous or neglected structure and have not been paid or have not recovered the same a petty sessional court on complaint by the Council may make an order fixing the amount of such expenses and the costs of the proceedings before such petty sessional court and directing that no part of the land upon which such dangerous or neglected structure stands or stood shall be built upon or that no part of such dangerous or neglected structure if repaired or rebuilt shall be let for occupation until after payment to the Council of the said amount and thereupon and until payment to the Council of the 177

said amount no part of such land shall be built upon and no part of such dangerous or neglected structure so repaired or rebuilt shall be let for occupation.

(2.) Every such order shall be made in duplicate and one copy of such order shall be retained by the proper officer of the court and the other copy shall be kept at the county hall.

(3.) The Council shall keep at the county hall a register of all orders made under this section and shall keep the same open for inspection by all persons at all reasonable times and any such order not entered in such register within ten days after the making thereof shall cease to be of any force. No property shall be affected by any such order unless and until such order is entered in such register.

523 **117. Fees on Dangerous or Neglected Structures to Council.** The fees specified in Part IV. of the Third Schedule to this Act as payable to the Council shall be payable to and may be recovered in a summary way by the Council.

PART X.

DANGEROUS AND NOXIOUS BUSINESSES.

48 **118. Regulations for Building near Dangerous Business.** (1.) No person shall erect any building nearer than fifty feet to a building used for any dangerous business to which this section applies.

(2.) Provided that where a building erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such dangerous business is pulled down burnt or destroyed by tempest such building may be rebuilt.

(3.) No person shall establish or carry on a dangerous business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant ground belonging to any person other than his landlord.

(4.) The following businesses shall be deemed to be dangerous businesses within the meaning of this section (that is to say) The business of the manufacture of matches ignitable by friction or otherwise or of other substances liable to sudden explosion inflammation or ignition or of turpentine naphtha varnish tar resin or Brunswick black and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion.

119. Regulations for Building near Noxious Business. (1.) No person shall erect any dwelling-house nearer than fifty feet to a building used for any noxious business to which this section applies.

(2.) Provided that where a dwelling-house erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such noxious business is pulled down burnt or destroyed by tempest such dwelling-house may be rebuilt.

(3.) Subject to the provisions of the next following section no person shall establish or carry on a noxious business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any dwelling-house.

(4.) The following businesses shall be deemed to be noxious businesses within the meaning of this section (that is to say) The business of a blood boiler or bone boiler and any other like business which is offensive or noxious but nothing in this section shall apply to any of the following businesses namely the businesses of a soap boiler tallow melter knacker fellmonger tripe boiler and slaughterer of cattle or horses.

49 **120. Provisions as to certain old Noxious Businesses.** The following provisions shall apply to any noxious business existing before the ninth day of August one thousand eight hundred and forty-four:—

(1.) If any party charged with carrying on such business show that in carrying on such business all the means known to be available for mitigating the effect

of such business have been adopted then it shall be lawful for the petty sessional court to remit or mitigate the penalty. Provided further that if it shall appear to the said court or to the court of quarter sessions whether on appeal or on trial by jury as herein-after provided that the person carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate so far as possible the effects of such business then although he have not adopted all or the best means available for the purpose yet it shall be lawful for the court to suspend the execution of their order upon condition that within a reasonable time to be named the party convicted do adopt such other or better means as to the court shall seem fit or before passing final sentence and without consulting the prosecutor to make such other order touching the carrying on of such business as the court shall think fit for preventing the nuisance in future. Provided always that if the matter come before any superior court it shall be lawful for such court to exercise such power of mitigating or remitting such penalty or of suspending the execution of any judgment order or determination in the matter or to make such order touching the carrying on of such business as to the court shall seem fit :

- (2.) Any person dissatisfied with the decision of the petty sessional court may appeal to the court of quarter sessions in manner provided by the Summary Jurisdiction Acts :
- (3.) If before conviction by the petty sessional court the person complained against desire to have the matter tried by a jury and enter into a recognizance to try such matter without delay and to pay all costs of trial if a verdict be found against him then such matter shall be tried at the next practicable court of quarter sessions or whensoever that court shall appoint and if that court shall think fit it shall be lawful for them to authorize the jury to view the place in question in such manner as they shall direct and the jury shall inquire and try and determine by their verdict whether the business in question be offensive or noxious and whether the party in question have done any act whereby the penalty imposed by this Act in respect thereof has been incurred and subject to the power herein-before conferred of mitigating such penalty or suspending their judgment order or determination thereon or making such order touching the carrying on of the business the said court shall give judgment according to such verdict and shall award the penalty (if any) incurred by the defendant and shall and may (if they see fit) award to either of the parties such costs as they may deem reasonable which verdict and the judgment award order or determination thereon shall be binding and conclusive.

121. Saving for Gasworks and Distilleries. The provisions of this Part of this Act relating to dangerous and noxious businesses shall not apply to any public gasworks nor to any premises used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Inland Revenue or their officers.

PART XI.

DWELLING-HOUSES ON LOW-LYING LAND.

122. Dwelling-houses on Low-lying Land. It shall not be lawful for any person upon land of which the surface is below the level of Trinity high-water mark and which is so situate as not to admit of being drained by gravitation into an existing sewer of the Council to erect any building to be used wholly or in part as a dwelling-house or to adapt any building to be used wholly or in part as a dwelling-house except with the permission of the Council and subject to and in accordance with such regulations as the Council may from time to time prescribe with reference to the erection of buildings on such land :

And the Council may by such regulations (subject to appeal as herein-after provided)—

- (i.) Prohibit the erection of dwelling-houses or the adaptation of any buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (ii.) Regulate the erection of dwelling-houses or the adaptation of buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (iii.) Prescribe the level at which the under side of the lowest floor of any permitted building shall be placed on such land or any defined area or areas of such land and as to the provision to be made and maintained by the owner for securing efficient and proper drainage of the buildings either directly or by means of a local sewer into a main sewer of the Council :

Any person seeking to erect any dwelling-house or any building any part of which is to be used as a dwelling-house or to adapt any building or any part of a building for use as a dwelling-house on any of such land shall make application to the Council for a licence to erect the same and the matter shall thereupon be referred to the chief engineer of the Council who shall decide whether and if so upon what conditions such erection or adaptation may be permitted and any such decision shall be given by the said engineer by a certificate in writing under his hand. Any person objecting to the refusal of the Council to permit on such land or any defined area or areas of such land the erection of any dwelling-house or the adaptation for use as a dwelling-house of any building or to any regulation made by the Council under this Part of this Act or to any decision of the said engineer or as to the reasonableness of any requirement or condition made by him may appeal to the Tribunal of Appeal.

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123. Power to make Regulations. The Council may with the concurrence of the Tribunal of Appeal from time to time make regulations prescribing the procedure to be followed by persons making applications under this Part of this Act.

124. Publication and Copies of Regulations. (1.) Regulations made by the Council under this Part of this Act shall have no force until a copy thereof shall have been published in the London Gazette and it shall be the duty of the Council to give notice of every such regulation by publishing a copy thereof in two or more London daily newspapers and if there be a local newspaper circulating in the parish or district to which such regulation applies then also in such local newspaper.

(2.) Printed copies of every regulation from time to time in force under this Part of this Act shall be kept at the county hall and shall be supplied free of charge to any person concerned who may apply for the same.

PART XII.

SKY SIGNS.

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125. Sky Signs. In this Part of this Act the expression—

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

- (i.) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement ;

- (ii.) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported; or
- (iii.) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach or premises belonging to a railway company and which is also so placed that it could not fall into any street or public place.

126. District Surveyor to Act for Purposes of this Part of Act. For the purpose of giving effect to the provisions of this Part of this Act the district surveyor of each district acting under this Act shall inspect and survey sky signs in his district and report from time to time to the Council.

The expression "the surveyor" in this Part of this Act means the district surveyor so acting within his district.

127. Prohibition of Future Sky Signs. From and after the commencement of this Act it shall be unlawful to erect any sky sign as defined in this Act. 180

128. Regulation of Existing Sky Signs. From and after the commencement of this Act it shall be unlawful to retain any sky sign as defined in this Act which previously to the passing of this Act shall have been erected except in pursuance of and in accordance with the terms of a licence granted or renewed before the passing of this Act by the Council or by the Commissioners of Sewers as the case may be under the provisions of the London Sky Signs Act 1891 as amended by section 17 of the London County Council (General Powers) Act 1893 or renewed after the passing of this Act as herein-after provided.

129. Renewal of Licence. (1.) A licence granted under the provisions of the London Sky Signs Act 1891 and renewed under the same Act may on the expiration of the period for which such renewal was granted be renewed for one further period of two years but not longer.

(2.) A licence granted under the provisions of the London Sky Signs Act 1891 as amended by section 17 of the London County Council (General Powers) Act 1893 after the twenty-fourth day of August one thousand eight hundred and ninety-three may be renewed from the expiration of a period of two years from the date of issue of such licence for a further period of two years and on the expiration of that period for one other period of two years making with the original term of the licence six years in all but not longer.

(3.) Every person desirous of obtaining a renewal of a licence to retain a sky sign for any such period as aforesaid may make application to the surveyor for an inspection and survey of such sky sign and such application shall be dealt with as herein-after provided and any person who shall have obtained a certificate from the surveyor after any such inspection and survey in accordance with the provisions herein-after contained may at any time within fourteen days from the issue thereof forward the same to the Council with an application for a licence from the Council to retain the same sky sign and every such application for a licence shall be accompanied by a fee of five shillings which shall be paid to the Council for and in respect of the registration of the licence and the Council shall thereupon grant to such person a licence for the retention of such sky sign for a period of two years from the date of the issue of such licence.

(4.) Every such application to the surveyor for the inspection and survey of a sky sign shall be accompanied by a payment of two guineas to such surveyor which shall be his fee for the inspection and survey and for the grant or refusal of the certificate as the case may be and it shall not be lawful for the surveyor to demand or receive any further fee or payment in respect thereof.

(5.) The surveyor shall either grant a certificate that in his opinion the sky sign is so placed constructed and supported as not to be likely to involve danger to the public or he shall refuse to grant such certificate in which case he shall state the grounds of such refusal and such certificate or refusal shall be in the form set out in this section with such modifications if any as the circumstances may require :—

FORM OF CERTIFICATE.

LONDON BUILDING ACT 1894.

District of .

Whereas *A. B.* of . has made application to me pursuant to the London Building Act 1894 to inspect and survey a sky sign erected at . I hereby certify that I have inspected and surveyed the same and in my opinion the said sky sign may be retained as now constructed for two years from the date hereof without being likely to cause danger to the public.

Dated this . day of . 189 .

(Signed) *C. D.*
Surveyor.

FORM OF REFUSAL OF CERTIFICATE.

LONDON BUILDING ACT 1894.

District of .

Whereas *A. B.* of . has made application to me pursuant to the London Building Act 1894 to inspect and survey a sky sign erected at . I hereby certify that I have inspected and surveyed the same and I refuse to certify that the said sky sign is so constructed as not to be likely to cause danger to the public for the following reasons—

Dated this . day of . 189 .

(Signed) *C. D.*
Surveyor.

130. Alteration of Sky Signs to meet Surveyor's Requirements. (1.) Where the surveyor refuses to grant a certificate applied for under this Act the applicant may if he think fit and can lawfully do so execute such repairs to or alterations in or modifications of the sky sign as shall meet the objections thereto as stated in the form of refusal and may thereupon make a further application to the surveyor to inspect and survey the sky sign.

(2.) If the surveyor on re-inspection and re-survey be of opinion that the sky sign has been so repaired altered or modified that it is not likely to involve danger to the public he shall grant a certificate under this Act with respect to such sky sign and an application for licence thereof may be made as in this Act provided.

(3.) Every such application to the surveyor to re-inspect and re-survey a sky sign and for a certificate in respect thereof shall be accompanied by a payment of one guinea to such surveyor which shall be his fee for such re-inspection and re-survey and for the grant or refusal of a certificate thereupon as the case may be and it shall not be lawful for the surveyor to demand or receive any further fee or payment in respect thereof.

131. Notice of Refusal of Certificate to be sent to the Council. Where the surveyor refuses to grant a certificate applied for under this Act it shall be the duty of the surveyor forthwith to forward a copy of his refusal to the Council.

132. Appeal against Refusal of Certificate. Where the surveyor refuses to grant a certificate under this Act it shall be lawful for the applicant at any time within fourteen days after the date of such refusal to make application to the Tribunal of Appeal by way of appeal against such refusal and such appeal shall be accompanied by a copy of the form of refusal by the surveyor.

133. Forfeiture Licence. In any of the following cases a licence under this Act shall become void viz. :—

- (i.) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (ii.) If any change be made in the sky sign or any part thereof ;
- (iii.) If the sky sign or any part thereof fall either through accident decay or any other cause ;
- (iv.) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof ;
- (v.) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed.

134. Removal of Sky Signs. If any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the maintenance or retention thereof for any period shall have become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner in all respects as if it were a structure certified to be in a dangerous state under Part IX. of this Act except that the provisions of the said Part with respect to arbitration shall not apply and it shall be lawful for the Council or any officers servants or workmen appointed by them for that purpose (after obtaining the order of a petty sessional court for the taking down of the sky sign and after the expiration of the period (if any) fixed by such order for taking down the same) to enter upon the land building or premises on or over which the sky sign is erected and to take down and remove the sky sign and to execute and do any works which may be necessary for that purpose and for leaving any building to which the same was attached in a condition of safety and all the expenses of and incidental to any such work shall be repaid and be recoverable as though the same were a penalty imposed by this Act. 180
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For the purpose of any such proceeding the expression "the owner" in the said Part of this Act shall mean the occupier of the house building or structure on or to which the sky sign is erected or attached or if the house building or structure is unoccupied then the person who would be the owner thereof within the meaning of this Act.

135. Application of this Part of Act within the City. As regards the City this Part of this Act shall be read and have effect as if the Commissioners of Sewers were named therein instead of the Council and all costs and expenses of such commissioners in the execution of this Part of this Act shall be paid out of their consolidated rate as part of the expenses of such Commissioners. 181

PART XIII.

SUPERINTENDING ARCHITECT AND DISTRICT SURVEYORS.

136. Power for Council to appoint Superintending Architect. (1.) The Council may for the purpose of aiding in the execution of this Act appoint some fit person to be called "the superintending architect of metropolitan buildings" together with such number of clerks as they think fit. 4

(2.) Such architect and clerks shall be removable by the Council and perform such duties as the Council direct.

(3.) The superintending architect shall not practise as an architect or follow any other occupation.

(4.) There shall be paid to the superintending architect and clerks such salaries as the Council may direct.

(5.) Subject to the foregoing provisions of this section the person who at the commencement of this Act is the superintending architect of metropolitan buildings shall continue to be the superintending architect under this Act.

137. Power of Superintending Architect to appoint Deputy. If the superintending architect is prevented by illness infirmity or any other unavoidable cause from attending

to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be temporarily prevented from executing them.

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138. Buildings to be Supervised by District Surveyors. Subject to the provisions of this Act and to the exemptions in this Act mentioned every building or structure and every work done to in or upon any building or structure and all matters relating to the width and direction of streets the general line of buildings in streets the provision of open spaces about buildings and the height of buildings shall be subject to the supervision of the district surveyor appointed to the district in which the building or structure is situate.

139. Powers of Council as to Surveyors and Districts. (1.) The Council shall have the following powers with regard to the district surveyors and their districts (that is to say) :—

- (a.) They may alter the limits of the district of any district surveyor or unite any two or more such districts and place any such altered district under the supervision of any district surveyor and do all such matters and things as are necessary for carrying into effect the power hereby given ;
- (b.) They may dismiss or suspend any district surveyor and in case of any suspension or during any vacancy may appoint a temporary substitute provided that their dismissal of a district surveyor who held such office before the fourteenth day of August one thousand eight hundred and fifty-five shall be subject to the consent of a Secretary of State ;
- (c.) On a vacancy occurring in the office of a district surveyor they may appoint another qualified person in his place ;
- (d.) They may pay such amount of compensation as they think fit or as in case of disagreement shall be determined by the Tribunal of Appeal to any district surveyor who is deprived of his office in pursuance of the power hereby given of altering the limits of districts.

(2.) Subject to the foregoing provisions of this section the districts existing at the commencement of this Act shall continue to be districts for the purposes of this Act and the several persons who at the commencement of this Act are district surveyors shall continue to be district surveyors under this Act.

140. Examination of Candidates for Office of Surveyor. The Royal Institute of British Architects may cause to be examined by such persons and in such manner as they think fit all candidates presenting themselves for the purpose of being examined as to their competency to perform the duties of district surveyor and shall grant certificates of competency to the candidates found deserving of the same and a person who has not already filled the office of district surveyor shall not be qualified to be appointed to that office unless he has received a certificate of competency from the said Institute or has been examined in such other manner as the Council may direct and been found competent in such examination.

141. Surveyor to have an Office. Every district surveyor shall have and maintain an office at his own expense in such part of his district as may be approved by the Council and the Council shall forthwith communicate to the local authority any change in the office of such district surveyor.

142. Power of Surveyor to appoint Deputy. If any district surveyor is prevented by illness infirmity or any other unavoidable circumstance from attending to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be prevented from executing them.

143. Power to appoint Assistant Surveyor. Where it appears to the Council that on account of the pressure of business in any district or on any other account the surveyor of that district cannot discharge his duties promptly and efficiently the Council may direct any other district surveyor to assist the surveyor of that district in the performance of his duties or appoint some other person to give such assistance and the assistant surveyor shall be entitled to receive all fees payable in respect of the services performed by him.

144. Surveyor not to act in case of Works under his Professional Superintendence. If any building or structure be executed or any work done to in or upon any building or structure by or under the superintendence of any district surveyor acting professionally or on his own private account that surveyor shall not survey such building or structure for the purpose of this Act or act as district surveyor in respect thereof or in any matter connected therewith but it shall be his duty to give notice to the Council, who shall then appoint some other district surveyor to act in respect of the matter.

145. Notice to be given to Surveyor by Builder. In the following cases and at the following times (that is to say):— 105

- (a.) Where a building or structure or work is about to be begun then two clear days before it is begun; and
- (b.) Where a building or structure or work is after the commencement thereof suspended for any period exceeding three months then two clear days before it is resumed; and
- (c.) Where during the progress of a building or structure or work the builder employed thereon is changed then two clear days before a new builder enters upon the continuance thereof;

the builder or other person causing or directing the work to be executed shall serve on the district surveyor a building notice respecting the building or structure or work. Every building notice shall state the situation area height number of storeys and intended use of the building or structure and the number of buildings or structures if more than one and the particulars of the proposed work and the name and address of the person giving the notice and those of the owner then in possession of and the occupier of the building or structure or of its site or intended site. All works in progress at the same time to in or on the same building or structure may be included in one building notice.

146. Surveyor to Enforce Execution of Act. Every district surveyor shall upon the receipt of any such notice as aforesaid and also upon any work being observed by or made known to him which is affected by the provisions of this Act or byelaws made thereunder but in respect of which no notice has been given and also from time to time during the progress of any work affected by such provisions and byelaws as often as may be necessary for securing the due observance of such provisions and byelaws survey any building or work hereby placed under his supervision and cause all such provisions and byelaws to be duly observed.

147. Notice to be Evidence of Intended Works. Every notice served in pursuance of this Act shall be deemed in any question relative to any building structure or work to be *prima facie* evidence as against the builder of the nature of the building structure or work proposed to be built or done.

148. Power of Entry to inspect Buildings. (1.) The district surveyor of any district at all reasonable times during the progress and during fourteen days next after the completion of any building structure or work in such district affected by any of the provisions of this Act or by any byelaws made thereunder or by any terms or conditions on which the observance of any such provisions or byelaws may have been dispensed with may enter and inspect such building structure or work.

(2.) The district surveyor may for the purpose of ascertaining whether any buildings erected in those premises are in such a situation or possess such characteristics as are required in order to exempt them from the operation of this Part of this Act at all reasonable times and after reasonable notice enter any premises except buildings exempt from the operation of Parts VI. and VII. of this Act and he may do therein all such things as are reasonably necessary for the above purpose.

149. In case of Emergency Works to be commenced without Notice. Where by reason of any emergency any act or work is required to be done immediately or before notice can be given as aforesaid such act or work may be done on condition that before the expiration of twenty-four hours after it has been begun notice thereof is served on the district surveyor.

150. As to Service of Notice of Objection on Builder or Building Owner. 105
Where it appears from the building notice served on the district surveyor under this

Act that it is proposed to erect any building or structure or to do any work to in or upon any building which will be in contravention of this Act or that anything required by this Act is proposed to be omitted the district surveyor shall serve upon the builder or building owner a notice of objection to such proposed erection and in the event of the builder or the building owner being dissatisfied with the decision of the surveyor he may within fourteen days of the date of the notice of objection appeal to a petty sessional court who may make an order either affirming the objection or otherwise.

105 **151. Notice by Surveyor in Case of Irregularity.** In any of the following cases (that is to say):—

- (a.) where in erecting any building or structure or in doing any work to in or upon any building anything is done in contravention of this Act or anything required by this Act is omitted to be done; or
- (b.) where the district surveyor on surveying or inspecting any building or work in respect of which notice has not been served as required by this Part of this Act finds that the same is so far advanced that he cannot ascertain whether anything has been done in contravention of this Act or whether anything required by this Act has been omitted to be done;

the district surveyor shall serve on the builder engaged in erecting such building or structure or in doing such work a notice (herein-after referred to as a notice of irregularity) requiring him within forty-eight hours from the date of the notice to cause anything done in contravention of this Act to be amended or to do anything required to be done by this Act which has been omitted to be done or to cause so much of any building structure or work as prevents such district surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down.

152. Notice of Irregularity after Completion of Building. (1.) In order to provide for the service of a notice of irregularity after and notwithstanding that the building or structure has ceased to be in charge of or under the control of the builder the following provisions shall have effect:—

- (a.) If notice in writing shall have been served upon the district surveyor by the builder or owner of the date at which such building has ceased to be in the charge of or under the control of the builder then at any time before the expiration of fourteen days after the service of such notice a notice of irregularity may if the district surveyor thinks fit be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any);
- (b.) Where no such notice shall have been served upon the district surveyor a notice of irregularity may at any time within twenty-one days after completion of the building or structure be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(2.) When the owner of the building or structure does not allow the builder to comply with the requisition of a notice of irregularity served on the builder and the builder serves notice on the district surveyor to that effect a notice of irregularity may at any time within fourteen days after service of the notice by the builder on the district surveyor be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(3.) When a notice of irregularity is served under this section the provisions of this Act as to the consequences of such a notice so far as they relate to the builder shall apply to the owner occupier or other person served.

(4.) Nothing in this section shall prejudice any remedy of an owner occupier or other person against the builder.

153. Summary Proceedings on Non-compliance with Notice. (1.) If the person on whom the notice of irregularity is served make default in complying with that

notice within the period named therein a petty sessional court on complaint made in a summary manner as provided by the Summary Jurisdiction Acts by the district surveyor may make an order on such person requiring him to comply with the notice or with any requisitions therein which may in the opinion of the court be authorized by this Act within a time to be named in the order.

(2.) If the order be not complied with the Council may if they think fit after giving seven days' notice to such person enter with a sufficient number of workmen upon the premises and do all such things as may be necessary for enforcing the requisitions of the notice and for bringing any building or work into conformity with the provisions of this Act and all expenses incurred by the Council in so doing may be recovered in a summary way either from the person on whom the order was made or from the owner of the premises.

154. Payments to Surveyors for Ordinary and Special Services. (1.) There shall be paid by the builder or in his default by the owner or occupier as the case may be of the building or structure in respect whereof the same are chargeable to every district surveyor in respect of the several matters mentioned in Parts I. and III. of the Third Schedule to this Act the fees therein specified or such other fees not exceeding the amounts therein specified as may be directed by the Council. 106
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(2.) If in consequence of any reduction being made by the Council in the amount of the said fees the income of any existing district surveyor is diminished the Council shall grant to him compensation in respect of such diminution.

155. Council to pay District Surveyor in relation to Formation of Streets etc. The Council shall pay to the district surveyor such fees as the Council shall from time to time determine in respect of any service required to be performed by the district surveyor in relation to the formation or laying out of streets lines of building frontage and any like service which the district surveyor may be required to perform under this Act.

156. Fees in relation to Evidence before Tribunal. The Council shall pay to the district surveyor such fees as may be from time to time appointed by the Tribunal of Appeal in respect of any work done by the district surveyor in relation to the preparation of evidence and giving the same before the Tribunal of Appeal. 679

157. Periods when Surveyors entitled to Fees. (1.) At the expiration of the following periods (that is to say):—

- (a.) Of fourteen days after the roof of any building surveyed by a district surveyor under this Act has been covered in ; and
- (b.) Of fourteen days after the completion of any work by this Act placed under the supervision of a district surveyor ; and
- (c.) Of fourteen days after any special service in respect of any building structure or land has been performed by a district surveyor ;

the district surveyor shall be entitled to receive the fees due to him from the builder employed in erecting such building or structure or in doing such work or in doing any matter in respect of which any special service has been performed by the surveyor or from the owner or occupier of the building or structure so erected or in respect of which such work has been done or service performed or of the land in upon or in respect of which such work has been done or service performed.

(2.) If any such builder owner or occupier refuses to pay the said fees they may be recovered in a summary manner on its being shown to the satisfaction of the court that a proper bill specifying the amount of the fees was delivered to him or sent to him in a registered letter addressed to his last known residence.

158. Power of Council to pay Salaries to Surveyors. (1.) The Council may at any time by order cause such fixed salary as they may determine to be paid to any district surveyor by way of remuneration instead of fees so that the amount of such remuneration be not less than the amount of the average of the fees for the last seven completed years preceding such determination and thereupon the fees which would have been payable to such district surveyor in pursuance of this Act shall be paid to the Council and carried to the credit of the county fund.

(2.) The Council may at any time provide either wholly or partially for the

payment of salaries to the district surveyors or to any of them out of the county fund and may thereupon abolish or reduce any fees by this Act made payable to the district surveyors.

159. Council may Proceed on behalf of District Surveyor. The Council may in any case where they shall think fit so to do undertake on behalf of a district surveyor any proceedings which would otherwise be undertaken by such district surveyor or may pay the costs incurred by any district surveyor in any proceedings taken by him under this Act.

RETURNS BY DISTRICT SURVEYORS.

160. Monthly Returns by District Surveyor to Council. Every district surveyor shall within seven days after the first day of every month make a return to the Council in such manner as they may appoint of all notices and complaints received by him relative to the business of his district and the results thereof and of all matters brought by him before any petty sessional court and of all the several works supervised and special services performed by him in the exercise of his office within the previous month and of all fees charged or received in respect thereof and shall specify in such return the description and locality of every building which has been built rebuilt enlarged or altered or on which any work has been done under his supervision with the particular nature of every work in respect of which any fee has been charged or received.

161. Return to be a Certificate that Works are in accordance with Act. Every such return shall be signed by the district surveyor and shall be deemed to be a certificate that all the works enumerated therein as completed have been done in all respects in accordance with this Act to the best of his knowledge and belief and that they have been duly surveyed by him.

162. Audit of Accounts of Fees charged by District Surveyor. The superintending architect or such other officer as the Council appoint shall examine the monthly returns of the district surveyors and if any fees therein specified appear to him to be unauthorized by this Act or to exceed in amount the fees so authorized or if any such account appears to be in any respect fraudulent or incorrect he shall make his report in writing to that effect to the Council who shall thereupon take such steps in the matter as they deem expedient.

163. District Surveyor to Notify certain Irregularities to the Council. Every district surveyor shall forthwith notify to the Council any actual or probable contravention of the provisions of this Act in relation to any matter or thing with which it is not within his competency to deal of which notice or information has been given to him or which he has discovered.

PART XIV.

BYELAWS.

164. Power to Council to make Byelaws. (1.) Subject to the provisions of this Act the Council may make such byelaws not repugnant or contrary to the provisions of this Act as they may think expedient for the better carrying into effect the objects and powers of this Act with respect to the following matters (that is to say) :—

The regulation of the plans level width surface and inclination of new streets and for regulating the plans and level of sites for new buildings ;

The forms of notice and other documents to be used for the purposes of this Act and other like matters of procedure ;

Foundations and sites of buildings and other erections ;

The mode in which and the materials with which such foundations and sites are to be made excavated filled up prepared and completed for securing stability and for purposes of health ;

The thickness and the description and quality of the substances of which walls

may be constructed for securing stability the prevention of fires and for purposes of health ;

The dimensions of wooden bresssummers ;

The dimensions of joists of floors ;

The protection of ironwork used in the construction of buildings from the action of fire ;

Woodwork in external walls ;

The description and quality of the substances of which plastering may be made ;

The mode in which and the materials with which any excavation made within a line drawn outside the external walls of a house building or other erection and at a uniform distance therefrom of three feet shall be filled up ;

The regulation of lamps signs or other structures overhanging the public way not being within the City ;

Provided that any such byelaws as to the regulation of lamps signs and other overhanging structures shall be administered by the local authority ;

The means of escape from fire in buildings exceeding sixty feet in height ;

The duties of district surveyors in relation to any byelaws made in pursuance of this section ;

The deposit with district surveyors of any plans of buildings submitted for their certificate ;

The regulation of the amounts of the fees to be paid to district surveyors in respect of their duties under any such byelaws ;

The imposition for every offence committed against any byelaws made under this Act of a penalty not exceeding five pounds and a daily penalty not exceeding two pounds for every day during which such offence continues after conviction Such penalties to be recovered by summary proceedings.

(2.) The Council may provide by any byelaw that in any case in which the Council think it expedient they may dispense with the observance of any byelaw made under this section on such terms and conditions (if any) as they think proper.

(3.) No byelaw shall have any force or effect unless or until it shall have been submitted to and confirmed at a meeting of the Council subsequent to that at which the byelaw shall have been made nor shall any byelaw have any force or effect until the same shall have been allowed by the Local Government Board.

(4.) Not less than two months before applying to the Local Government Board for the allowance of any such byelaws the Council shall give such notice of their intended application by advertisement in the London Gazette and otherwise as the Local Government Board shall direct and the Council shall send a copy of the proposed byelaws as approved by them to the local authority the Ecclesiastical Commissioners the Royal Institute of British Architects the Surveyors' Institution the London Chamber of Commerce (Incorporated) and to the Institute of Builders and to such other societies and persons as the Local Government Board may direct and for one month at least before any such application a copy of the proposed byelaws shall be kept at the county hall and shall be open during office hours thereat to inspection without charge.

(5.) All byelaws made and confirmed and allowed as aforesaid in pursuance of this Act shall be published in the London Gazette and printed and hung up at the county hall and be open to public inspection without payment and copies thereof shall be delivered to any person applying for the same on payment of such sum not exceeding two pence as the Council shall direct and such byelaws when so published shall come into operation upon a date to be fixed by the Local Government Board in allowing the byelaws and the production of a printed copy of such byelaws authenticated by the seal of the Council shall be evidence of the existence and of the due making allowance and publication of such byelaws in all prosecutions or other proceedings under the same without adducing proof of such seal or of the fact of such making confirmation allowance or publication of such byelaws.

165. Saving for the City of London. No byelaw in respect of any matter from which the City is exempted by this Act or by any Act hereby repealed shall have any force or effect within the City.

PART XV.

LEGAL PROCEEDINGS.

166. Summary Proceedings for Offences etc. and Recovery of Penalties. All offences penalties costs and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner or the prosecution or recovery of which is not otherwise provided for may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

167. Proceedings by Surveyor. Any proceedings taken by a district surveyor may be continued by his duly appointed deputy or successor in the office.

168. Powers of and Appeal from County Court. Where jurisdiction is by this Act given to a county court that court may settle the time and manner of executing any work or of doing any other thing and may put the parties to the case upon such terms as respects the execution of the work as the court thinks fit :

Provided that any person shall have the same right of appeal from any decision of a county court in any matter in which jurisdiction is given to such court by this Act as he would have under the County Courts Act 1888 from any decision of such court in any matter.

169. Application of Penalties. Notwithstanding anything in any other Act one half of all penalties recovered by the Council under this Act shall be paid to the Council Provided that it shall be lawful for any court by whom any penalty is imposed under this Act to direct that the whole or part thereof shall be applied in or towards payment of the costs of the proceedings.

170. Council may demolish Buildings and sell Materials and recover Expenses. Where any person has been convicted of an offence against any of the provisions of any Part of this Act or any byelaw made thereunder by constructing erecting adapting extending raising altering uniting or separating any building or structure or any part of any building or structure in contravention of any provisions of any Part of this Act it shall be lawful for the Council after giving fourteen days notice to such person to bring such building or structure into conformity with the said provisions and after default shall have been made in complying with such notice and notwithstanding the imposition and recovery of any penalty to cause complaint thereof to be made before a petty sessional court who may thereupon issue a summons requiring the person making such default as aforesaid to appear to answer such complaint and if the said complaint is proved to the satisfaction of the court the court may make an order in writing authorizing the Council and it shall thereupon be lawful for the Council to enter upon such building or structure with a sufficient number of workmen and to demolish or alter such building or structure or any part thereof so far as the same shall have been adjudged to be in contravention of this Act or any byelaw under this Act and to do whatever other acts may be necessary for such purpose and to remove the materials to some convenient place and if in their discretion they think fit sell the same in such manner as they may think fit and all expenses incurred by the Council in demolishing or altering such building or structure or any part thereof and in doing such other acts as aforesaid or the balance of such expenses after deducting the proceeds of sale of the aforesaid materials (if the Council thinks fit to sell the same) may be recovered from the person committing the offence aforesaid in a summary manner.

If the proceeds of such sale shall be more than sufficient to defray such expenses the Council shall restore the surplus of such proceeds after deducting the amount of all such expenses to the owner of the building or structure on demand.

171. Procedure by Local Authorities in case of Buildings in Advance of General Line. The powers conferred by this Part of this Act upon the Council with respect to any building or structure in case such building or structure has been erected extended or raised contrary to the provisions of this Act beyond the general line of buildings in the street place or row of houses in which the same is situate shall extend and apply to and may be exercised by the local authority in like manner as by the Council.

172. Payment of Surplus of Proceeds into Court. Where by any provision of this Act

any surplus of the proceeds of the sale of any building structure or materials is made payable to any owner thereof and no demand is made by any person entitled thereto within one year of the receipt of the proceeds by the Council then the same shall be paid into the Bank of England (Law Courts Branch) to the account of the Paymaster-General for the time being for and on behalf of the Supreme Court of Judicature to be placed to the credit of "ex parte the London County Council London Building Act 1894 the account of" the owner (describing him so far as reasonably practicable) subject to the control of the High Court and to be paid out to the owner on his proving his title thereto.

173. Payment of Expenses by Owners. Where it is by any provision of this Act declared that expenses are to be borne by or may be recovered from the owner of any premises (including under the term "owner" the adjoining and building owners respectively) the following rules shall be observed with respect to the payment of those expenses:— 214

- (1.) The owner immediately entitled in possession to the premises or the occupier thereof shall in the first instance pay the expenses with this limitation that an occupier shall not be liable to pay any sum exceeding in amount the rent due or that will thereafter accrue due from him in respect of the premises during the period of his occupancy;
- (2.) If there are successive owners each of them shall be liable to contribute to the expenses in proportion to his interest;
- (3.) Any difference arising as to the amount of contribution shall be decided by arbitration;
- (4.) If some of the owners liable to contribution cannot be found the deficiency so arising shall be divided amongst the owners who can be found;
- (5.) Any occupier of premises who has paid any such expenses may deduct the amount so paid from any rent payable by him to any owner of the same premises and any owner who has paid more than his due proportion of any such expenses may deduct the amount so overpaid from any rent payable by him to any other owner of the same premises;
- (6.) If default is made by any person in payment of any expenses payable by him in the first instance under this section the same may be recovered in a summary way and if default is made by any person in repaying to any other person any money recoverable under this section such moneys may be recovered in the same manner as if the obligation to pay such moneys were a simple contract debt.

174. As to Periods for giving Consents etc. expiring in Vacations. Where the period within which for the purposes of this Act any sanction consent approval or allowance in respect of any matters arising under Parts II, or V. of this Act is to be given or refused by the Council or within which any objection is to be made or other act done by the Council would expire on any day between the eighth day of August and the fourteenth day of September (both inclusive) such period shall be deemed to be extended for twenty-eight days. 458
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TRIBUNAL OF APPEAL.

175. Constitution of Tribunal of Appeal. For the purposes of this Act a Tribunal of Appeal shall be constituted as follows:— 5

One member shall be appointed by a Secretary of State;

One member shall be appointed by the council of the Royal Institute of British Architects;

One member shall be appointed by the council of the Surveyors' Institution:

No member or officer of the Council shall be a member of the Tribunal of Appeal.

176. Duration of Office. Members of the Tribunal of Appeal shall be appointed for a term of five years and any such member shall be eligible for re-appointment.

177. Removal of Members. It shall be lawful for the Lord Chancellor if he think fit to remove for inability or misbehaviour or other good and sufficient cause any member of the Tribunal of Appeal.

178. Vacancies to be Supplied. Upon the occurrence of any vacancy in the

Tribunal of Appeal or during the temporary absence through illness or other unavoidable cause of any member thereof a Secretary of State the council of the Royal Institute of British Architects or the council of the Surveyors' Institution (as the case may be) whichever of them shall have appointed the member of the Tribunal whose place shall be vacated shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

179. Remuneration of Members of Tribunal. Each member of the Tribunal of Appeal shall be entitled to such remuneration either by way of annual salary or by way of fees or partly in one way and partly in the other as a Secretary of State may from time to time fix.

180. Officers etc. of Tribunal. It shall be lawful for the Tribunal of Appeal to appoint such clerks officers and servants as they may find necessary who shall be paid such salaries as shall be determined by the Council and to provide offices and to obtain such professional advice and assistance as they may find necessary.

181. Power for Council to Support Decisions of Officers before Tribunal. It shall be lawful for the Council to defray the expenses of supporting any decision of the Council or of the superintending architect or of their engineer or of a district surveyor by counsel and witnesses before the Tribunal.

182. Tribunal may state Case for Opinion of High Court. It shall be lawful for the Tribunal at any time to state and the Tribunal shall if ordered by the High Court or a judge thereof on an application in a summary manner made by any party to the appeal state a case for the opinion of the High Court on any question of law involved in any appeal submitted to them. The High Court shall hear and determine the question or questions of law arising on any case stated by the Tribunal of Appeal and shall thereupon reverse affirm or amend the determination (if any) in respect of which the case has been stated or remit the matter to the Tribunal of Appeal with the opinion of the court on the case stated or may make such other order in relation to the matter as the circumstances of the case require and may make such order as to the costs of the case and in the High Court as to the court may seem fit.

183. Procedure of Tribunal. The Tribunal of Appeal shall subject to the provisions of this Act have jurisdiction and power to hear and determine appeals referred to them under this Act.

For all the purposes of and incidental to the hearing and determination of any appeal the Tribunal shall subject to any rules of procedure duly made have power to hear the Council and the parties interested either in person or by counsel solicitor or agent as they may think fit and to administer oaths and to hear and receive evidence and to require the production of any documents or books and to confirm or reverse or vary any decision and make any such order as they may think fit and the costs of any of the parties to the appeal including the Council shall be in the discretion of the Tribunal.

676 **184. Regulations as to Procedure and Fees.** The Tribunal of Appeal may from time to time subject to the approval of the Lord Chancellor make regulations consistent with the provisions of this Act as to the procedure to be followed in cases of appeal to the Tribunal including the time and notice of appeal and as to fees to be paid by appellants and other parties.

185. Enforcement of Decision of Tribunal. Any order of the Tribunal of Appeal may be enforced by the High Court as if it had been an order of that court.

186. Fees etc. to be Paid to Council. Expenses. All fees and sums of money paid to the Tribunal of Appeal shall be paid over to the Council and carried to the county fund and the salaries or fees payable to members of the Tribunal and the office and establishment expenses of the Tribunal and expenses incurred by the Tribunal and the Council in reference thereto shall be defrayed out of the county fund.

NOTICES.

225 **187. Notices to be in Writing.** (1.) Notices orders and other such documents under this Act shall be in writing and notices and documents other than orders when

issued by the Council shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served.

(2.) Orders shall be under the seal of the Council.

188. Service of Notices. (1.) Any notice order or other document required or authorized to be served under this Act the service of which is not provided for by the Summary Jurisdiction Acts the Lands Clauses Acts or the Companies Clauses Consolidation Act 1845 may be served by delivering a copy thereof at or by sending a copy thereof by post in a registered letter to the usual or last-known residence in the United Kingdom of the person to whom it is addressed or by delivering the same to some person on the premises to which it relates or if no person be found on the premises then by fixing a copy thereof on some conspicuous part of the building to which it relates and in the case of a railway company by delivering a copy thereof to the secretary at the principal office of the said company. 531

(2.) Any notice order or other document to be served upon a builder shall be deemed to be sufficiently served if posted in a registered letter addressed to such builder at the place of address stated in his building notice (if any) or in default thereof at his office or any one of his principal offices or if a copy thereof be fixed on some conspicuous part of the building to which it relates.

(3.) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming the premises) in respect of which the notice is given or served without further name or description.

(4.) Any notice required by this Act to be served on a district surveyor may be served on him by post in a registered letter addressed to him at his office or by leaving the same at his office.

PART XVI.

MISCELLANEOUS.

189. Expenses how Borne. All expenses incurred by the Council in carrying this Act into execution and not otherwise provided for shall be deemed to be general expenses incurred by the Council and shall be raised and paid accordingly and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be raised and paid by the Council in like manner.

190. Power for Council to Annex Conditions. In any case where the Council are authorized under this Act to refuse their sanction consent or allowance to the doing or omission of any act or thing the Council may if they think fit instead of refusing such sanction consent or allowance give the same subject to such terms and conditions in relation to the subject matter of such sanction consent or allowance as the Council think fit. Any such term or condition when accepted shall be binding on the owner and occupier of the building or structure or ground to which the sanction consent or allowance relates and if at any time any term or condition so accepted is not observed or fulfilled the owner or occupier in default shall be subject to a penalty as herein-after provided.

191. As to Buildings of Historical Interest. In the event of its being necessary to take down any portion of an old building of architectural or historical interest constructed otherwise than in accordance with the regulations of this Act or in the event of the destruction of any part of such building the part so taken down or destroyed may with the consent of the Council first obtained be restored in the same material and in the same design as it formerly was. 129

192. Power of Entry to Owner etc. to Execute Work. Any owner builder or other person and his servants workmen and agents may for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of any building or structure room or place after giving seven days' notice to the occupier thereof and on production of the first-mentioned notice or order enter and from time to

time without further notice re-enter such building or structure room or place and do all necessary works and things therein thereto or in connexion therewith.

193. Limitation of Time for Proceedings where Notice not Given. Where any building has been erected or work done without due notice having been given to the district surveyor (in accordance with this Act or a byelaw made under this Act) the district surveyor may at any time within one month after he has discovered that such building has been erected or work done enter the premises for the purpose of seeing that the provisions of this Act or any notice served or order made under the same have been complied with and the time during which the district surveyor may take any proceedings or do anything authorized or required by this Act to be done by him in respect of such building or work shall begin to run from the date of his discovering that such building has been erected or work done.

194. Plans and Documents to be Property of Council. Applications plans and other documents delivered at the office of the Council or to the district surveyor in pursuance of this Act or of any byelaw of the Council thereunder shall on delivery there become the property of the Council.

195. Mode of giving Approval of Council to Plans. The approval by the Council of any plans or particulars for the purposes of this Act shall be signified in writing under the hand of the superintending architect.

196. Consent how Given on Behalf of Owners Not to be Found. Where any consent is required to be given any notice to be served or any other thing to be done by or to any owner in pursuance of this Act if there is no owner or if any such owner cannot be found the judge of the county court may give such consent or do or cause to be done such thing on such terms and conditions as he may think fit and may dispense with the service of any notice which would otherwise be required to be served.

197. Storing of Wood and Timber. (1.) It shall not be lawful for any person to erect or place a pile stack or store of cut or uncut timber lathwood firewood casks or barrels whether on or above the ground nearer to a street than the buildings forming the general line of buildings therein except in a position wherein such a pile stack or store stood on the first day of January one thousand eight hundred and ninety-four.

(2.) It shall not be lawful for any person to pile stack or store cut or uncut timber lathwood firewood casks or barrels in the same yard or ground or in any part of the same premises with any furnace except in the following cases:—

(a.) Where the furnace is enclosed in a building or chamber constructed of fire-resisting materials; or

(b.) Where there is a distance of not less than ten feet between the furnace and the pile stack or store of timber lathwood firewood casks or barrels.

(3.) No pile stack or store of timber lathwood firewood casks or barrels shall exceed sixty feet in height from the level of the ground.

(4.) It shall not be lawful to form in any pile stack or store of timber lathwood firewood casks or barrels any room or chamber or space (other than a passage) to be used for any purpose whatever.

(5.) Timber yards existing at the time of the passing of this Act shall comply with these provisions within two years from the date of the passing of the Act but the Council shall have power in individual cases if they think fit to prolong this time for a term not exceeding seven years and shall have power to relax any of the provisions of this section.

(6.) This section shall not apply to railway companies or canal companies so far as regards timber lathwood firewood casks or barrels in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings nor to timber lathwood firewood casks or barrels piled stacked or stored in or on any yard or other premises occupied by any dock company for the purposes of their undertaking or to any such yard or premises or to any person piling or stacking or storing timber lathwood firewood casks or barrels in or on any such yard or premises.

198. Removal of Roof not to Affect Proceedings. Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

199. Preventing Obstruction in Streets. No person not being lawfully authorized { 23
shall erect or place or cause to be erected or placed any post rail fence bar obstruction { 537
or encroachment whatsoever in upon over or under any street and no person not being
lawfully authorized shall alter or interfere with any street in such a manner as to
impede or hinder the traffic for which such street was formed or laid out from passing
over the same.

The Council may at the expiration of two days after giving notice in writing to
such person to demolish or remove any such post rail fence bar obstruction or encroach-
ment or to reinstate or restore such street to its former condition (as the case may be)
demolish or remove any such post rail fence bar obstruction or encroachment and
reinstate or restore such street to its former condition and recover the expenses thereof
from such person in a summary manner.

This section shall not apply within the City.

OFFENCES AGAINST ACT.

200. Offences against Act. Subject to the provisions of this Act every person
who does any of the things specified in this section shall be deemed to have committed
an offence against this Act and shall be liable upon conviction in a summary manner
to a penalty not exceeding the amount hereafter specified in connexion with such
offence and to a further penalty not exceeding the amount hereafter stated as the
daily penalty in connexion with such offence for every day on which the offence is
continued after such conviction (that is to say):—

(1) Every person who—

- (a.) commences to form or lay out alter or adapt any street or way
without having first obtained the sanction of the Council under this
Act or otherwise than in accordance with the conditions (if any)
prescribed by the Council in giving their sanction or by the Tribunal
of Appeal as the case may be or commences to widen any street or
way to a less extent than the prescribed distance without giving to
the Council the notice prescribed by this Act; or
- (b.) unlawfully erects or places in upon or over any street or way any
post fence bar obstruction or encroachment; or
- (c.) unlawfully permits any such post rail fence bar obstruction or
encroachment in upon or over any street or way to remain after
notice served upon him by the Council to remove the same; or
- (d.) unlawfully alters or interferes with any street in such a manner as
to impede or hinder the traffic for which such street was formed or
laid out;

shall be liable to a penalty not exceeding ten pounds for every such offence
and to a daily penalty not exceeding forty shillings:

- (2.) Every person who neglects or refuses for twenty-eight days after the service of
any notices empowered to be served under Part II. of this Act requiring
him to set back any building or structure to comply with the requirements
of such notice or after the expiration of such period fails to carry out or
complete the works necessary for such compliance within the time (if any)
limited in such notice shall be liable to a penalty of not less than forty
shillings and not more than five pounds and to a daily penalty of not less
than ten shillings and not more than forty shillings. Provided always that
this sub-section shall not apply to any non-compliance with such notice in
the case of an intended highway where the same shall not be opened as a
highway:

(3.) Every person who—

- (a.) erects or brings forward any building or structure in contravention of
any of the provisions of Part III. of this Act or of any conditions
attached by the Council to any consent given pursuant to such
provisions; or

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- (b.) erects alters enlarges rebuilds or raises or commences to erect alter enlarge rebuild or raise any building or commences so to do so as to contravene any of the provisions of Part V. of this Act; or
 - (c.) fails to comply with any of the provisions of Part VI. of this Act; or
 - (d.) fails to comply with the requirements of any notice given to or served upon him under and in accordance with Part VII. of this Act within the time (if any) specified in such notice; or
 - (e.) sets up erects or adapts any building or structure to which Part VII. of this Act applies without having obtained any licence required by that Part of this Act or makes default in observing any of the conditions contained in such licence;
- shall be liable to a penalty not exceeding twenty pounds a day during every day of the continuance of the non-compliance with the order of the court in reference to the matters aforesaid:
- (4.) Every person who hinders or obstructs any persons empowered by this Act to enter and remain on any premises for the purpose of executing and to execute any work authorized or directed to be done under this Act or wilfully damages or injures any such work shall be liable for every such offence to a penalty not exceeding ten pounds:
 - (5.) Every person who being a building owner liable under Part VIII. of this Act to make good any damage which he may occasion to the adjoining owners' or adjoining occupiers' property by any works authorized to be executed by the building owner or to do any other thing upon condition of doing which his right to execute such works is by Part VIII. of this Act declared to arise fails within a reasonable time to make good such damage or to do such thing shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding the like amount:
 - (6.) Every person who refuses to admit the purchaser of any materials sold under this Act his servants or agents upon the land on which the same are at a reasonable hour or impedes him or them in removing the same therefrom at a reasonable hour shall be liable to a penalty not exceeding ten pounds and to a daily penalty of not exceeding five pounds:
 - (7.) Every person who erects a building nearer than fifty feet to a building used for any dangerous business or a dwelling-house nearer than fifty feet to a building used for any noxious business shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount for every day during which such first-mentioned building or such dwelling-house shall be allowed to so remain near to such dangerous or noxious business:
 - (8.) Every person who establishes or carries on a dangerous or noxious business in contravention of any of the provisions of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount:
 - (9.) Every person who erects or adapts or commences to erect or adapt otherwise than in accordance with the provisions of Part XI. of this Act any building to which Part XI. of this Act relates shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds for every day after the conviction for the offence on which the building continues so erected or adapted without a licence or on which default is made in observing or complying with any conditions of a licence under that Part of this Act:
 - (10.) Every person not complying with any term or condition imposed by the Council under the section the marginal note of which is "Power for Council to annex Conditions" shall be liable to a penalty not exceeding ten pounds:
 - (11.) (a.) Any person who places erects or retains or suffers or permits to be placed erected or retained any sky sign contrary to the provisions of this Act; or
 - (b.) Being a person who ought to serve a building notice fails to do so

- or begins to execute a work respecting which he ought to serve a building notice before serving such notice or having served a building notice begins to execute the work to which it relates before the expiration of two clear days after the notice has ceased to operate; or
- (c.) Refuses to permit any district surveyor at a reasonable time to enter survey or inspect any building work or premises which such surveyor is by this Act authorized to enter and inspect or refuses or neglects to afford him all reasonable assistance in such inspection; or
 - (d.) Fails to comply with any order of the county court made in pursuance of this Act within the time named in such order; or
 - (e.) Refuses to admit at a reasonable time a builder to a building or otherwise prevents a builder from complying with any order of the county court made in pursuance of this Act; or
 - (f.) (Being a workman labourer servant or other person employed in or about any building) wilfully and without the privy or consent of the person causing the work to be done does anything in or about such building contrary to the provisions of this Act; or
 - (g.) Refuses to admit at a reasonable time any owner builder or person or his servants workmen or agents into any land building or structure for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of such land building or structure or refuses or neglects to afford them all reasonable assistance in complying with such notice or executing such order; or
 - (h.) Acts in any manner in contravention of any of the provisions of this Act relating to the storing of wood and timber; or
 - (j.) Does any other thing prohibited by this Act or fails neglects or omits to do any other thing which he is required to do under or in pursuance of this Act;

shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like amount:

- (12.) Every person who without the consent of the Council converts or uses a building contrary to any of the provisions of the section of this Act of which the marginal note is "Rules as to conversion of buildings" shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding the like amount for every day on which the building remains so converted or is used contrary to the provisions of the said section.

The liability to these penalties shall be without prejudice to any other proceedings whether under this Act or any byelaw under this Act or otherwise but so that no person shall be punished twice for the same offence.

APPLICATION OF ACT.

201. Buildings exempt from Parts of Act. The following buildings and works shall be exempt from the operation of Parts VI. and VII. of this Act:— 243

- (1.) Bridges piers jetties embankment walls retaining walls and wharf or quay walls:
- (2.) The Mansion House Guildhall and Royal Exchange of the City:
- (3.) The offices and buildings of the Bank of England within the City:
- (4.) All buildings erected before or after the passing of this Act by or with the sanction of the Commissioners for the Exhibition of 1851 on any lands belonging to them and purchased in pursuance of any power vested in them by charter or Act of Parliament except streets or blocks of buildings erected by them or with their sanction as private dwelling-houses:
- (5.) The Sessions House at the Old Bailey and all other sessions houses or other public buildings belonging to or occupied for public purposes by the justices of the peace of the counties of Middlesex London and the City of London or by the County Councils of London and Middlesex respectively:
- (6.) The erections and buildings authorized by an Act passed in the ninth year of

the reign of His late Majesty King George the Fourth for the purposes of a market in Covent Garden :

- (7.) The buildings of the Metropolitan Cattle Market and of the Cattle Market at Deptford and any building within the market premises inhabited or adapted to be inhabited by any official or servant of the Corporation for the purposes of such markets or either of them :
- (8.) Any building or part of a building belonging to a canal company and used exclusively for the purposes of canal works under any Act of Parliament ;
Any building or structure situate upon the railway or within the railway or station premises and used for the purposes of or in connexion with the traffic of a railway company ;
Any building or part of a building belonging to a gas company and used exclusively for gasworks ;
Any building or part of a building belonging to the Conservators of the River Thames and used by them as a workshop or store ;
The foundations and walls of buildings belonging to a railway company situate over any station or works of a railway company or immediately adjoining any railway or works of a railway company and upon land acquired under the powers of an Act of Parliament ;
Any building within the station premises of any railway company inhabited or adapted to be inhabited in whole or in part by any official or servant of the railway company :

Provided always that nothing in this sub-section shall exempt any other buildings used for the purpose of human habitation so far as they are so used :

- (9.) Any building or structure or part of a building or structure belonging to a dock company constituted by Act of Parliament and situate within the dock premises :

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- (10.) Buildings not exceeding in area thirty square feet and not exceeding in height five feet in any part measured from the level of the ground to the under side of the eaves or roof plate and distant at least five feet from any other building and from any street and not having therein any stove flue fireplace hot air pipe hot water pipe or other apparatus for warming or ventilating the same provided that no portion of the building extends beyond the general line of buildings in any street :

- (11.) All buildings and structures (not exceeding in height thirty feet as measured from the footings of the walls and not exceeding in extent one hundred and twenty-five thousand cubic feet and not being public buildings) wholly in one occupation and distant at the least eight feet from the nearest street or way and at the least thirty feet from the nearest buildings and from the land of any adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within thirty feet of another detached building constructed as stables or offices to be used in connexion with such dwelling-house :

- (12.) All buildings not exceeding in extent two hundred and fifty thousand cubic feet and not being public buildings and distant at the least thirty feet from the nearest street or way and at the least sixty feet from the nearest buildings and from the land of an adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within sixty feet of another detached building constructed as stables or offices to be used in connexion with such dwelling-house :

- (13.) All party fence walls not exceeding in height seven feet measured from the top of the footings of the walls :

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- (14.) Greenhouses if not attached to other buildings :

- (15.) Greenhouses if attached to other buildings so far as regards the necessary woodwork of the sashes doors and frames :

- (16.) Cases of metal and glass used solely for holding plants fastened to the wood-

work of the sill and lower sash of a window provided that no portion project over the public way or more than twelve inches beyond the external face of the wall of the building :

- (17.) Openings made into walls or flues for the purpose of inserting therein ventilating valves of a superficial extent not greater than forty square inches if such valves are not nearer than twelve inches to any timber or other combustible material. 474

If any addition be made to any building or structure specified in sub-sections (10.) (11.) or (12.) whereby any increase is caused in the area height or extent of any such building or structure beyond the area height or extent mentioned in the sub-section in which any such building or structure is specified the Council may give notice to the owner or occupier of such building or structure either to remove such addition or to make the building so increased in height or extent conform with all or any of the provisions of this Act and with any byelaws under this Act relating to the construction of buildings and upon his failing to do so within fourteen days from the service upon him of such notice the Council may remove such addition to the building or structure and may recover the expenses of such removal from the owner or occupier so making default in a summary manner.

202. Exemption of Government Buildings. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures— 247

Every building structure or work vested in and in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services ; also

Any building structure or work vested in and in the occupation of any department of Her Majesty's Government or of the Metropolitan Police or of the trustees of the British Museum for public purposes or for the public service ; also

Any building structure or work vested in and occupied for the service of the Duke of Cornwall for the time being.

203. As to Buildings for the Supply of Electricity. Where a local authority or a company has statutory powers for the supply of electricity in any metropolitan district the buildings of such local authority or company used as a generating station or for works shall be deemed to be special buildings to which the general provisions of Parts V. VI. and VII. and the First and Second Schedules of this Act do not apply and plans thereof shall be submitted to the Council for their approval and the Council shall have power to authorize the buildings to be erected of greater dimensions than two hundred and fifty thousand cubic feet and in other respects to exempt such buildings from any of the provisions of this Act if they think fit. 144

204. Exempting Lands Buildings and Property of Inns of Court. The lands buildings and property of— 247

- (1.) The Honourable Society of the Inner Temple ;
- (2.) The Honourable Society of the Middle Temple ;
- (3.) The Honourable Society of Lincoln's Inn ;
- (4.) The Honourable Society of Gray's Inn ;

herein called "the Inns of Court" shall be exempt from the operation of this Act Provided that in respect of any building structure or land which abuts upon any public street public place or public way the Inns of Court shall be subject to the provisions of Part III. of this Act (Lines of Building Frontage).

205. Saving existing Rights of Gas Companies. In addition to any exemption referring to gas companies contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of this Act.

206. Duration of Exemption. Any building structure or work in any respect exempt from the operation of this Act or in any manner privileged in respect of any provision of this Act shall remain so exempt or privileged so long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged.

129 **207. Buildings not to be Altered so as not to Conform to Act.** It shall not be lawful (unless with the consent of the Council) to make any alteration of any building in such manner that when so altered it will by reason of such alteration not be in conformity with the provisions of this Act applicable to new buildings.

130 **208. When Remainder of Party Wall etc. to be taken down.** Unless in any case the Council otherwise allow where a party wall or external wall not in conformity with this Act has been taken down burnt or destroyed to the extent of one half thereof (measured in superficial feet) every remaining portion of the old wall not in conformity with this Act shall either be made to conform therewith or be taken down before the rebuilding thereof.

31 } **209. Additions to and Alterations of Buildings.** Every addition to or alteration
105 } of a building and any other work made or done for any purpose in to or upon a building (except that of necessary repair not affecting the construction of any external or party wall) shall so far as regards such addition or alteration or other work be subject to the provisions of this Act and of byelaws thereunder relating to new buildings.

210. Application of Act to Buildings Erected before Commencement of Act. A building structure or work erected or constructed before the commencement of this Act to which no objection could have been taken under any law then in force shall (subject to the provisions of this Act as to new buildings or the alteration of buildings) be deemed to be erected or constructed in compliance with the provisions of this Act.

130 **211. Rules as to Conversion of Buildings.** Unless in any case the Council otherwise allow no person shall—

- (1.) convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation ;
 - (2.) convert into one dwelling-house two or more dwelling-houses constructed originally as separate dwelling-houses ;
 - (3.) convert into or use as two or more dwelling-houses any building constructed originally as one dwelling-house ;
 - (4.) convert a building which when originally erected was legally exempt from the operation of any building enactments or byelaws in force within London into a building which had it been originally erected in its converted form would have been within the operation of these enactments or byelaws ;
 - (5.) re-convert into or use as a dwelling-house any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;
 - (6.) convert into or use as a dwelling-room or part of a dwelling-room any room or part of a room used as a shop ; or
 - (7.) convert a dwelling-house or any part of a dwelling-house into a shop ;
- in such manner that the building or part of a building so converted as aforesaid when converted will not be in conformity with the provisions of this Act relating to the class of buildings to which the building when so converted will belong.

212. Buildings in Progress. Notwithstanding anything contained in this Act a building structure or work which has been commenced before and is in progress at the commencement of this Act or which is to be carried out under any contract entered into before the passing of this Act may be completed subject to and in accordance with the provisions of the Acts relating thereto as in force immediately previous to the passing of this Act.

213. Saving Powers of Local Authorities. Nothing in this Act shall take away or interfere with the powers of the local authorities with respect to the paving of new streets under the Metropolis Management Acts.

REPEAL.

214. Repeal of Section 50 of Metropolitan Railway Act 1866. Section 50 of the Metropolitan Railway (Additional Powers) Act 1866 is hereby repealed.

215. Repeal of Enactments in Schedule. (1.) The Acts mentioned in the Fourth

Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2.) This repeal shall not affect—

- (a.) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or
- (b.) Any right privilege obligation or liability acquired accrued or incurred under or in accordance with any enactment hereby repealed ; or
- (c.) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (d.) Any power investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid and any such power investigation legal proceeding and remedy may be exercised and carried on as if this Act had not passed ; or
- (e.) Any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers by or under any Act of Parliament and existing immediately before the passing of this Act.

216. Byelaws etc. under repealed Acts to remain in Force. All byelaws regulations orders consents conditions and notices duly made given imposed or issued under any Act hereby repealed shall so far as applicable for the purposes of this Act be of the same validity and effect as if they had been made given imposed or issued under this Act. And all such byelaws and regulations shall remain in force until the same shall be revoked altered or varied by byelaws duly made under the provisions of this Act. 71

217. Saving for existing Officers. Officers appointed under any enactment hereby repealed shall continue in office in like manner as if this Act had not been passed.

218. References in Acts or Documents to repealed Acts to be read as referring to this Act. Where in any Act or document any Act or any provisions of any Act are mentioned or referred to which are repealed by this Act such Act or document shall with any necessary modifications and so far only as the circumstances of the case admit be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions. 108

SCHEDULES.

THE FIRST SCHEDULE.

PRELIMINARY.

Parts I. and II. of this Schedule apply to walls built of bricks of not less than eight and a half inches long or of stone or other blocks of hard and incombustible substance the beds or courses being horizontal.

1. Structure or Buildings. Every building unless otherwise sanctioned in accordance with this Act shall be enclosed with walls constructed of brick stone or other hard and incombustible substances and the footings shall rest on the solid ground or upon concrete or upon other solid substructure. Provided that open sheds not exceeding sixteen feet in height and not exceeding four squares in area may be constructed of any substances and in any manner approved by the district surveyor. 109

2. Construction of Walls of Brick Stone etc. Every wall constructed of brick stone or other similar substances shall be properly bonded and solidly put together with mortar or cement and no part of such wall shall overhang any part underneath it except to the extent of six inches and provided that the projection be well and solidly corbelled out and that the side of the wall opposite to the corbelling be carried up vertically in continuation of the inner face thereof. And all return walls shall be properly bonded together. 114

3. Extra Thickness of certain Walls. The thickness of every wall not being built 108

of bricks or stone or other hard and incombustible substances laid in horizontal beds or courses shall be one third greater than the thickness prescribed in Parts I. and II. of this Schedule.

4. Thickness of Walls built of Materials other than such Bricks etc. as afore-said. The thickness of any wall of a dwelling-house if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by Parts I. and II. of this Schedule or of such thickness as may be approved by the Council.

114 **5. Hollow Walls.** When hollow walls are constructed there shall be a wall on one side of the hollow space of the full thickness prescribed by this Act.

113 **6. Height of Storey.** The heights of storeys shall be measured as follows:—

(a.) The height of a topmost storey shall be measured from the level of the underside of its floor joists up to the level of the under surface of the tie of the roof or other covering or if there is no tie then up to the level of half the vertical height of the rafters or other support of the roof;

(b.) The height of every storey other than a topmost storey shall be measured from the level of the underside of the floor joists of the storey up to the level of the underside of the floor joists of the storey next above it.

113 **7. Height of External and Party Walls.** For the purpose of determining the thickness of a wall the height of such wall shall be measured from the base of the wall to the top of the topmost storey whether such wall is carried to the full height or not or in case of a gable when there are no storeys in the roof to half the height of the gable.

8. Length of Walls. Walls are deemed to be divided into distinct lengths by return walls and the length of every wall is measured from the centre of one return wall to the centre of another provided that such return walls are external party or cross walls of the thickness required under this Schedule and bonded into the walls so deemed to be divided.

114 **9. Footings of Walls.** Unless with the consent of the Council every wall other than a wall carried on a bressummer shall have footings:—

The projection of the bottom of the footing of every wall on each side of the wall shall be at least equal to one half of the thickness of the wall at its base unless an adjoining wall interferes in which case the projection may be omitted where that wall adjoins and the diminution of the footing of every wall shall be formed in regular offsets and the height from the bottom of such footing to the base of the wall shall be at the least equal to two thirds of the thickness of the wall at its base.

10. Underpinning. The underpinning of walls and chimneys shall be built with brick or stone bedded in cement to the full thickness of the old wall or work and with proper footings or to an additional thickness if the increased height of the wall so requires and shall rest on the solid ground or on concrete or on other solid substructure as a foundation and the whole shall be executed to the satisfaction of the district surveyor.

11. Thickening of Walls. A wall shall not be thickened except after notice served on the district surveyor of the intention to thicken and the thickening shall be executed with brick or stone work in cement properly bonded to the old work to the satisfaction of the district surveyor.

PART I.

BUILDINGS NOT PUBLIC AND NOT OF THE WAREHOUSE CLASS.

114 External and party walls shall be of not less thickness than the thickness hereinafter specified in each case viz. :—

1. When the wall does not exceed twenty-five feet in height its thickness shall be as follows:—

If the wall does not exceed thirty feet in length and does not comprise more than two storeys it shall be eight and a half inches thick for its whole height;

- If the wall exceeds thirty feet in length or comprises more than two storeys it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height.
2. Where the wall exceeds twenty-five feet but does not exceed forty feet in height its thickness shall be as follows :—
- If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height ;
- If the wall exceeds thirty-five feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the rest of its height below the topmost storey and eight and a half inches thick for the rest of its height.
3. When the wall exceeds forty feet but does not exceed fifty feet in height its thickness shall be as follows :—
- If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the rest of its height below the topmost storey and eight and a half inches thick for the rest of its height ;
- If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys then thirteen inches thick for the rest of its height ;
- If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next storey and then thirteen inches thick for the rest of its height.
4. Where the wall exceeds fifty feet but does not exceed sixty feet in height its thickness shall be as follows :—
- If the wall does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys and thirteen inches thick for the rest of its height ;
- If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height.
5. Where the wall exceeds sixty feet but does not exceed seventy feet in height its thickness shall be as follows :—
- If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height ;
- If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
6. Where the wall exceeds seventy feet but does not exceed eighty feet in height its thickness shall be as follows :—
- If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next three storeys and thirteen inches thick for the rest of its height ;
- If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).
7. Where the wall exceeds eighty feet but does not exceed ninety feet in height its thickness shall be as follows :—
- If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next storey then seventeen and a half inches thick for the height

of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

8. Where the wall exceeds ninety feet but does not exceed one hundred feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

9. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be thirty inches thick for the height of one storey then twenty-six inches thick for the height of the next two storeys then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

115 10. **Condition in respect of Storeys exceeding certain Height.** If any storey exceeds in height sixteen times the thickness prescribed under this Schedule for the walls of such storey the thickness of each external and party wall throughout such storey shall be increased to one sixteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

116 11. **Restriction in case of certain Storeys.** No storey enclosed with walls less than thirteen inches in thickness shall be more than ten feet in height between the floor and the ceiling thereof or between the floor and the tie of the roof.

12. **Rule as to Buildings not being Public Buildings or Buildings of the Warehouse Class.** All buildings excepting public buildings and such buildings as are in this Act defined to be buildings of the warehouse class shall as respects the thickness of their walls be subject to the provisions contained in this Part of this Schedule.

PART II.

BUILDINGS OF THE WAREHOUSE CLASS.

116 **Thickness at Base.** The external and party walls of buildings of the warehouse class shall at the base be made of not less thickness than the thickness herein-after specified in each case viz.:—

1. Where the wall does not exceed twenty-five feet in height (whatever is its length) it shall be thirteen inches thick at its base.

2. Where the wall exceeds twenty-five feet but does not exceed thirty feet in height it shall be at its base of the thickness following:—

If the wall does not exceed forty-five feet in length it shall be thirteen inches thick at its base;

If the wall exceeds forty-five feet in length it shall be seventeen and a half inches thick at its base.

3. Where the wall exceeds thirty feet but does not exceed forty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick at its base ;

If the wall exceeds thirty-five feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick at its base.

4. Where the wall exceeds forty feet but does not exceed fifty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick at its base ;

If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.

5. Where the wall exceeds fifty feet but does not exceed sixty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.

6. Where the wall exceeds sixty feet but does not exceed seventy feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

7. Where the wall exceeds seventy feet but does not exceed eighty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

8. Where the wall exceeds eighty feet but does not exceed ninety feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

9. Where the wall exceeds ninety feet but does not exceed one hundred feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

10. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be thirty-one inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

11. The thickness of the wall at the top and for sixteen feet below the top shall be thirteen inches and a half and the intermediate parts of the wall between the base and sixteen feet below the top shall not be of less thickness than would be the case if the wall were to be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at sixteen feet below the top:

Nevertheless in walls not exceeding thirty feet in height the walls of the topmost storey may be nine inches thick provided the height of that storey does not exceed ten feet.

- 117 12. **Condition in Respect of Storeys Exceeding a Certain Height.** If in any storey of a building of the warehouse class the thickness of the wall as determined by the provisions of this Schedule is less than one fourteenth part of the height of such storey the thickness of the wall shall be increased to one fourteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

13. **Thickness of Walls Built of Materials other than such Bricks etc. as Afore-said.** The thickness of any wall of a building of the warehouse class if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by the provisions of this Schedule or of such other thickness as may be approved by the Council.

MISCELLANEOUS.

- 117 1. **Cross-walls.** The thickness of a cross-wall shall be two-thirds of the thickness herein-before required for an external or party wall of the same dimensions and belonging to the same class of buildings but never less than eight and a half inches and no wall subdividing any building shall be deemed to be a cross-wall unless it is carried up to the floor of the topmost storey and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together does not exceed one-half of the whole extent of the vertical face or elevation of the wall.

- 118 2. Wherever a cross-wall becomes in any part an external wall such cross-wall shall be of the thickness required for an external wall of the same height and length and belonging to the same class of buildings.

3. Where an increase of thickness is by any rule of Part I. or Part II. of this Schedule required in case of a wall exceeding sixty feet in height and forty-five feet in length or in case of a storey exceeding in height sixteen times or fourteen times (as the case may be) the thickness prescribed for its walls or in case of a wall below such storey the increased thickness may be confined to piers properly distributed of which the collective widths amount to one-fourth part of the length of the wall.

THE SECOND SCHEDULE.

- 571) *The following materials shall for the purposes of this Act be deemed to be fire-resisting*
569) *materials:—*

(1.) *Brickwork constructed of good bricks well burnt hard and sound properly bonded and solidly put together—*

(a.) *With good mortar compounded of good lime and sharp clean sand hard clean broken brick broken flint grit or slag; or*

(b.) *With good cement; or*

(c.) *With cement mixed with sharp clean sand hard clean broken brick broken flint grit or slag;*

(2.) *Granite and other stone suitable for building purposes by reason of its solidity and durability;*

(3.) *Iron steel and copper:*

(4.) *Oak and teak and other hard timber when used for beams or posts or in combination with iron the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating ;*

In the case of doors—

oak or teak or other hard timber not less than two inches thick ;

In the case of staircases—

oak or teak or other hard timber with treads strings and risers not less than two inches thick ;

(5.) *Slate tiles brick and terra cotta when used for coverings or corbels :*

(6.) *Flagstones when used for floors over arches but not exposed on the underside and not supported at the ends only :*

(7.) *Concrete composed of broken brick stone chippings or ballast and lime cement or calcined gypsum when used for filling in between joists of floors :*

(8.) *Any material from time to time approved by the Council as fire-resisting.*

THE THIRD SCHEDULE.

FEES PAYABLE TO DISTRICT SURVEYORS.

501

PART I.

ON NEW BUILDINGS.

	£	s.	d.
For any building not exceeding thirty square feet in area and not exceeding ten feet in height	0	10	0
For every building not exceeding four hundred square feet in area and not more than two storeys in height	1	10	0
For every additional storey	0	5	0
For every additional square or fraction of a square	0	2	6
For every building not exceeding four hundred square feet in area and of one storey only in height	0	15	0

ON ADDITIONS ALTERATIONS OR OTHER WORKS.

For every addition or alteration or other work to which the provisions of this Act apply made or done to or on any building after the roof thereof has been covered in one half of the fee charged in the case of a new building calculated upon the area of the whole building.

For inspecting the arches or fire-resisting floors over or under public ways 0 10 0

For inspecting the formation of openings in party walls (for each opening) 0 10 0

For inspecting the closing of openings in party walls (for each opening) 0 10 0

Provided that in the case of public buildings constructed of concrete and buildings divided into separate sets of chambers or tenements by party structures the fees herein-before specified in this Part of this Schedule shall in every case be increased by one-half.

ON CHIMNEYS AND FLUES.

	£	s.	d.
On the construction of a furnace chimney-shaft or similar shaft for ventilation or other purposes in addition to the fee for any other operation in progress at the same time if not exceeding seventy-five feet in height	2	0	0
If exceeding seventy-five and not exceeding one hundred feet in height	2	10	0
For every additional ten feet or portion of ten feet in height	0	10	0

	£	s.	d.
On the carrying of a flue from an oven stove steam-boiler furnace or close-fire into an old flue	0	10	0
On certifying that a chimney breast in a party wall may be cut away	0	10	0

ON CERTIFYING PLANS.

For examining and certifying plans of an old building	2	2	0
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ON WOODEN AND TEMPORARY STRUCTURES.

On inspection of any wooden structure or on inspection of any structure or erection put up on any public occasion the same amount as for a new building calculated on the area of the structure or erection without reference to the area of any building to which it may be attached or in or on which it may be put up.

ATTENDING AT COURT.

For attending at a court when an order is made for complying with notice of irregularity	0	10	0
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PART II.

491

ON DANGEROUS STRUCTURES.

On each dangerous structure—

Where there are not more than four adjoining or nearly contiguous structures in the same ownership—

	£	s.	d.
1. For making a survey of the structure reported as dangerous and certifying opinion thereon—			
If the structure do not exceed four squares in area and two storeys in height	0	7	6
If exceeding four squares	0	10	0
For every additional storey above two	0	2	6
2. For each inspection of the structure and report as to completion or progress of the works	0	5	0
3. For inspecting the structure before the hearing of the summons and attending the court to give evidence—			
If one structure only	0	10	0
If more than one structure (for each structure)	0	5	0
4. For inspecting the structure before the hearing of the summons against the occupier (the owner having failed to comply) and attending the court to give evidence—			
If one structure only	0	10	0
If more than one structure (for each structure)	0	5	0
5. For every adjournment of the summons	0	5	0
6. For superintending the erection of shoring (including needling when requisite) and hoarding whether done by the Council or not and for certifying the account for the same when done by the Council	0	10	0
7. For shoring without hoarding or hoarding without shoring and certifying the account	0	7	6
8. For supervision including the report of the officer in cases where it is necessary for the Council to execute			

	£	s.	d.
works to ensure the safety of the public under an order made by a court	0	5	0
Where there are more than four adjoining or nearly contiguous structures in the same ownership—	£	s.	d.
For Nos. 2 3 and 4 in the above table	0	4	0
For No. 5	0	2	6
And for No. 8	0	4	0

PART III.

FEES PAYABLE FOR SPECIAL SERVICES.

501

The fees payable by a builder to the district surveyor for special services shall be the following:—

	£	s.	d.
For superintending the construction of floors and partition walls to stables under section 70 of this Act per building	0	5	0
For superintending the construction of overhanging oriel windows per building	0	5	0
For superintending the fixing of any oven copper steam-boiler or stove to be used for trade purposes and not heated by gas	0	10	0
For superintending the fixing of pipes for conveying heated air or hot water or steam at high pressure (for each floor of a building on which pipes are fixed)	0	10	0
For services relating to the erection of buildings on low lying lands per building	0	5	0

PART IV.

FEES PAYABLE TO COUNCIL.

ON DANGEROUS STRUCTURES.

492

For general services—

1. For preparation of notices forms for same and postage	0	3	6
2. For service of notices (clerk's time)	0	2	6
3. For travelling per mile (one way).	0	0	3
4. For obtaining summonses and orders (clerk's time)	0	2	6
5. For cost of each summons or order	0	3	0
Where there are two or more adjoining or nearly contiguous structures in the same ownership—	£	s.	d.
For Nos. 2 and 4 (above) each	0	2	0
The fees payable upon ten structures shall be the maximum fees.			

ON DILAPIDATED AND NEGLECTED BUILDINGS OR STRUCTURES.

1. For each inspection of the building or structure and report	0	5	0
2. For obtaining summons and order (clerk's time)	0	2	6
3. For cost of each summons or order	0	2	0
4. For attendance at a court to give evidence	0	5	0
5. For every adjournment	0	2	6
6. For supervision of works including report of officer in cases where the magistrate's order is executed by the Council	0	5	0

	£	s.	d.
7. For travelling per mile (one way).	0	0	3
8. The cost of procuring local evidence to satisfy the magistrate that the condition of the structure is prejudicial to the property or to the inhabitants of the neighbourhood is to be considered separately in each case.			

Where there are two or more adjoining or nearly contiguous structures in the same ownership—

	£	s.	d.
For Nos. 1 4 or 6 (above) each	0	3	0
For Nos. 2 or 5 (above) each	0	2	0
The fees payable upon ten structures shall be the maximum fees.			
For travelling per mile (one way)	0	0	3

REGULATIONS.

- 106
- 106
1. The fees specified in this Schedule in respect of works to a party-wall comprise the fees payable in respect of both sides of the wall.
2. No fee shall be charged in respect of the fixing of a chimney pot.
3. No fee shall be charged in respect of the repairing of a chimney top unless the top has been pulled down to a greater extent than twelve inches.
4. No fee shall be charged in respect of the repairing of a parapet unless the parapet shall have been pulled down to a greater extent than twelve inches.
5. In calculating the area of every new building for the purposes of this Schedule the area of all outbuildings not exceeding thirty feet in area whether attached or not shall be included provided such outbuildings be erected at the same time as the main building.

THE FOURTH SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 84 . . .	The Metropolitan Building Act 1844.	So much as is unrepealed.
18 & 19 Vict. c. 120 . .	The Metropolis Management Act 1855.	Section one hundred and forty-two and in section two hundred and two the words "the plans level "width surface inclination and " and the words "and the plans "and level of sites for building."
18 & 19 Vict. c. 122 . .	The Metropolitan Building Act 1855.	The whole Act.
23 & 24 Vict. c. 52 . . .	The Metropolitan Building Act (Amendment) 1860.	The whole Act.
24 & 25 Vict. c. 87. . . .	The Metropolitan Building Amendment Act 1861.	The whole Act.
25 & 26 Vict. c. 102 . . .	The Metropolis Management Amendment Act 1862.	Sections seventy-four seventy-five seventy-six eighty-five eighty-seven ninety-eight and ninety-nine.
32 & 33 Vict. c. 82 . . .	The Metropolitan Building Act 1869	The whole Act.
34 & 35 Vict. c. 39 . . .	The Metropolitan Building Act 1871	The whole Act.

FOURTH SCHEDULE—*continued*.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 32	The Metropolis Management and Building Acts Amendment Act 1878.	Sections four six seven eight nine ten fourteen fifteen sixteen seventeen eighteen nineteen twenty twenty-one from "and the district "surveyor" to "such house "building erection or work" and the words "or surveyor" section twenty-two so far as it relates to any notice or order served or made under any provision repealed by this Act section twenty-three from "and every penalty imposed "by Part II." to "Acts amending "the same" section twenty-five in section twenty-six the words "or in any byelaw of the board "thereunder" and in section twenty-seven the words "or in "any byelaw thereunder made."
45 & 46 Vict. c. 14	The Metropolis Management and Building Acts (Amendment) Act 1882.	The whole Act.
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act 1890.	Sections twenty-seven to thirty-one and sections thirty-three to thirty-seven.
54 & 55 Vict. c. lxxviii.	The London Sky Signs Act 1891.	The whole Act.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act 1893.	Sections five to nine and section seventeen.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1894.

(57 & 58 VICT. c. CCXII.)

(Extracts.)

PART I.

INTRODUCTORY.

3. Interpretation. In this Act words to which meanings are assigned by the Metropolis Management Act 1855 or the Acts amending the same shall when used in this Act have the same meanings as in the said Act.

PART IV.

PROTECTION OF SEWERS.

8. Regulating Discharge of Solid Matter and Refuse into Sewers. Every 27
person who—

- (a.) places or throws or causes to be placed or thrown or to fall ; or
- (b.) knowingly permits to be placed or to fall or to be carried ; or

(c.) causes or knowingly permits to be placed in such a position as to be liable to fall or to be carried

in or into any sewer of the Council or in or into any sewer or drain dock or inlet communicating with any sewer of the Council or over any grate communicating with any such sewer or drain any solid matter mud or refuse except such as is contained in ordinary house sewage shall be deemed to have committed an offence against this Part of this Act and every person committing such offence shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty of not exceeding five pounds for every day on which the offence continues after conviction :

Any such penalty shall be recoverable only by the Council who shall not be bound to proceed to recover any such penalty in any case where in their opinion such matter can be received into the sewers without risk of causing injury thereto or obstruction therein or of prejudicially affecting the health of any person employed in the sewers or otherwise :

Provided that this section shall not authorize the recovery of a penalty from the Commissioners of Sewers of the City of London or from a vestry or district board of works for flushing or washing the surface of a street or place under their control or for removing mud or proper sewage deposit by flushing with water from any sewer under their control if such street or place or the streets and places draining into such sewer or gullies communicating therewith shall in each case have been previously properly swept and cleansed and solid matter mud and refuse removed therefrom so far as reasonably practicable.

27 **9. Regulating Discharge of Offensive Liquid Refuse.** Every person who causes to fall flow or enter or permits to fall flow or enter or to be carried into any sewer of the Council or any sewer or drain communicating therewith any matter such as hereafter defined shall be deemed to have committed an offence against this Part of this Act and shall be liable to a penalty of not exceeding twenty pounds and to a further penalty of not exceeding five pounds for every day on which the default continues after conviction.

The matters herein-before referred to are—

(a.) Any chemical or manufacturing or trade or other refuse (not being solid matter or refuse to which the preceding section applies);

(b.) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than 110 degrees Fahrenheit);

which either alone or in combination with other matter or liquid in a sewer may cause a nuisance or involve danger or risk of injury to the health of persons entering the sewers or be injurious to the structure or materials of the sewers or works of the Council.

Any penalty under this section shall be recoverable only by the Council and no proceeding under this section to recover any such penalty shall be commenced except in pursuance of a recommendation from the committee of the Council charged with the management of the sewers after a report from the medical officer chemist or engineer of the Council describing the matter alleged to be causing a nuisance or to be dangerous or injurious and the nature of the nuisance danger or injury alleged to be caused thereby.

28) **10. Special Orders in certain Cases.** Where in the opinion of the Council the
620) introduction of any such matter as aforesaid into a sewer whether directly or through any drain or channel communicating therewith either does or will involve any such danger injury or risk as aforesaid the Council may by order absolutely prohibit any such matters or matter being caused or permitted to fall flow or enter or to be carried into any sewer either directly or indirectly.

The Council may at any time cause a copy of any such order to be served upon any person who may in their opinion be acting in contravention thereof and if any such person dispute the reasonableness of any such order as applicable to himself or any works or premises under his control such person may appeal to the Local Government Board to appoint a referee to determine the reasonableness thereof and any such

referee may determine either that the said order ought not to be enforced as against the objector or that it ought to be enforced either with or without modification or conditions and may by his award determine that the person objecting should have reasonable time allowed to execute any works or any alterations on his premises which may be necessary in order to prevent the introduction of the matter into a sewer and the costs of the award and determination and the costs of the parties thereto shall be in the discretion of the referee.

Any person who shall fail to comply with the terms of any such order after service thereof upon him or in the event of an appeal to a referee with the determination of the referee shall be liable to a penalty of not exceeding twenty pounds for every such default and to a daily penalty not exceeding five pounds for every day on which the default continues after conviction thereof.

11. Powers of Entry and Inspection. The Council by any of their officers either generally or specially authorized in that behalf in writing may at any reasonable time enter any premises except premises of the Metropolitan or Metropolitan District Railway Companies which shall be subject to the provision hereafter contained for the purpose of examining whether the provisions of this Part of this Act are being contravened.

Any person who shall refuse to permit any such officer after production of his authority to enter into any premises or shall obstruct any such officer in carrying out his duties under this section shall be liable to a penalty of not exceeding twenty pounds.

13. For Protection of the Metropolitan and Metropolitan District Railway Companies. The provisions of this Part of this Act shall not apply to heated water discharged from railway engines on any part of the railways of or worked over by the Metropolitan or Metropolitan District Railway Companies or either of them in any case where reasonable provision has been or shall be made to the satisfaction of the Board of Trade either within or in connexion with a sewer of the Council or a sewer or drain communicating therewith to secure that the temperature of such heated water shall not exceed 110 degrees Fahrenheit at such distance from the point of discharge into any sewer as in the event of difference between the Council and the company may be considered reasonable by the Board of Trade. Provided that such distance shall not in any case exceed fifty feet from any point at which the water is discharged into any such sewer.

The Council shall afford all needful facilities for the works to be executed or appliances to be provided for the purposes of this section in any sewer of the Council and such works shall be constructed and maintained by the Council to the reasonable satisfaction of the engineer of the company concerned and the expenditure reasonably incurred thereon as the same shall be ascertained in case of difference by an arbitrator to be appointed on the request of either or any of the parties by the Board of Trade shall be paid from time to time by the company to the Council on demand.

The Metropolitan and Metropolitan District Railway Companies shall after the expiration of twelve months from the passing of this Act afford reasonable facilities to any officer of the Council duly authorized in writing at convenient times having regard to the safety of the public and the exigencies of the traffic to inspect the engine-pits on the companies premises and the connexions on such premises with sewers and drains for the purpose only of ascertaining whether such of the provisions of this Part of this Act as are applicable to those companies are being complied with but such officer shall not be entitled to require any interruption or obstruction of the working of the traffic on the said railways or to go on any part of the railway until after twenty-four hours notice in writing.

14. For Protection of Common Brewers. This Part of this Act shall not extend to prohibit the introduction into a sewer of water or liquid used for washing casks or other vessels at any brewery provided such water or liquid be not of a higher temperature than 110 degrees Fahrenheit and do not contain any greater proportion than three per cent. of solid refuse.

15. As to placing Snow in Sewers. This Part of this Act shall not prevent any vestry or district board of works from placing snow in any sewer belonging to them

provided arrangements be made to prevent obstruction of any sewer and to prevent any solid matter from passing or being conveyed into any sewer of the Council.

16. Cleansing of Gratings and Gullies transferred to Vestries and District Boards. The duty of cleansing every grating and gully in any street communicating with any sewer of the Council (except in streets vested in and cleansed by the Council) so far as such grating or gully belongs to or is under the control of the Council shall as from the passing of this Act be transferred to the vestry of the parish or the board of works for the district within which the same is situate.

17. Act not to affect Powers of Proceeding under other Acts. Nothing in this Act shall be deemed to take away or affect any power of any vestry or district board of works to take proceedings under any other Act in respect of any of the matters made offences under this Part of this Act.

MERCHANT SHIPPING ACT, 1894.

(57 & 58 VICT. c. 60.)

(*Extracts.*)

614 **214. Seamen's Lodging-houses.** (1.) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

(2.) The byelaws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

(3.) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.¹

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the County Council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression "district" means the area under the authority of such local authority.

LOCOMOTIVES ON HIGHWAYS ACT, 1896.

(59 & 60 VICT. c. 36.)

(Extracts.)

5. Use of Petroleum, etc. The keeping and use of petroleum or of any other inflammable liquid or fuel for the purpose of light locomotives shall be subject to regulations made by a Secretary of State, and regulations so made shall have effect notwithstanding anything in the Petroleum Acts, 1871 to 1881. 620
397

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1897.

(60 & 61 VICT. c. CCLII.)

(Extracts.)

49. Sheds, etc. on Disused Burial Grounds. It shall be lawful for the Council and for the vestries and district boards of works in the county of London (including the Woolwich Local Board) with the consent of the Council to erect and maintain upon any disused burial grounds in the county of London of which they respectively now have or hereafter may have the management or control any sheds for the protection of plants and gardening implements. 60

CITY OF LONDON SEWERS ACT, 1897.

(60 & 61 VICT. c. CXXXIII.)

(Extracts.)

5. Dissolution of Commission and Transfer of Property and Powers of Commissioners. On and from the commencement of this Act the commission under which the commissioners at present act shall be by this Act dissolved and the commissioners as commissioners shall cease to exist and their authority shall be determined and all their property debts duties and liabilities shall be by this Act transferred to and vest in the mayor and commonalty and citizens of the City of London and such of the powers authorities and duties of the commissioners as are not already vested shall by this Act vest in the said mayor and commonalty and citizens (who shall be in law the successors of the commissioners) and shall be exercised by them through the Common Council and the Common Council shall have the same power of making or directing to be made and recovering any rate which before the commencement of this Act could have been made or have been directed to be made by the commissioners under any Act of Parliament as the commissioners now have and every rate so made shall vest in the said mayor and commonalty and citizens and shall be payable at such times as the Common Council shall order and direct. { 205
320

7. Acts to be read as if Common Council substituted for Commissioners etc. Every Act of Parliament giving any power or authority to or imposing any duty or liability upon or otherwise relating to the commissioners or providing any forms of proceedings relating to such commissioners shall unless the context otherwise requires and so far as applicable be read and have effect as if in such Act the Common Council were substituted for the commissioners of sewers and a member of the Common Council for a commissioner of sewers. Provided always that where in any Act it is provided that any lands sewers drains buildings materials property or articles not at the

commencement of this Act vested in the commissioners shall be or become vested in them the same shall be by this Act vested in the said mayor and commonalty and citizens and not in the Common Council.

9. Appointment of Committees and Procedure. (1.) The Common Council may from time to time appoint out of their own body such and so many committees either of a general or special nature and consisting of such persons or number of persons with such powers and restrictions and under such titles or designations as they may think fit for any purposes of or connected with the execution of this Act which in the opinion of the Common Council should be regulated and managed by means of such committees and may from time to time continue alter or discontinue and appoint anew any such committee and may define or prescribe the powers and duties now exercised by or imposed upon the commissioners which shall be exercised by or imposed upon any such committee and may if they think fit from time to time appoint by such distinctive names as they think fit officers of any such committee to perform such duties as are now discharged by officers of the commission.

(2.) Every committee appointed by the Common Council under the powers of this section shall be regulated by their standing orders for the time being.

(3.) The Common Council may from time to time by order delegate to any one of the officers (if any) so appointed by them all or any powers and duties now possessed by or imposed upon the clerk of the commissioners and may from time to time rescind or vary any such order.

(4.) In the event of the Common Council not delegating to or imposing upon any such officer the powers and duties now possessed by or imposed upon the clerk of the commissioners or delegating and imposing some only of such powers and duties to and upon such officer then the town clerk of the City of London shall as regards the whole of the said powers and duties or as the case may be as regards such of the said powers and duties as shall not for the time being be delegated to or imposed upon such officer as aforesaid have subject to the other provisions of this Act the same powers as are at present possessed by the clerk of the commissioners.

(5.) All acts done by or orders made or notices served by or upon the town clerk or as the case may be the officer to and upon whom any such powers and duties shall have been delegated or imposed as aforesaid shall be as valid and effectual as if done by or made or served by or upon the clerk of the commissioners.

20. Saving for existing Byelaws. All such byelaws orders licences and regulations of the commissioners as are in force at the time of the passing of this Act shall continue in force as if they had been made by the Common Council subject nevertheless to revocation or alteration by the Common Council.

LONDON BUILDING ACT, 1894 (AMENDMENT) ACT, 1898.

(61 & 62 VICT. c. cxxxvii.)

1. Short Title. This Act may be cited as the London Building Act 1894 (Amendment) Act 1898.

2. Act of 1894 and this Act to be construed as one Act. The London Building Act 1894 (in this Act referred to as "the principal Act") as amended by this Act and this Act shall be read and construed together as one Act and words and expressions used in this Act shall unless the context otherwise requires bear the meanings assigned to them in the principal Act and any references in the principal Act to any part or provisions of the principal Act shall be construed as referring to such part or provisions as amended by this Act.

3. Notice to set back Buildings etc. (1.) In every case where any new building or new structure or any part thereof is erected or any building or structure or any part thereof is extended in such manner that any external wall of such building or structure

or (if there be a forecourt or other space between such external wall and the roadway) any part of any external fence or boundary of such forecourt or space shall be at a distance in any direction from the centre of the roadway of any street or way (being a highway) less than the distance permitted under Part II. of the principal Act or contrary to the conditions and terms (if any) subject to which the Council or the Tribunal of Appeal has sanctioned the erection or extension of such building or structure the Council may serve a notice upon the owner or occupier of the said building structure fence or boundary or upon the builder requiring him to cause such building structure fence or boundary or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be at a distance in every direction from the centre of the roadway of such street or way not less than the distance permitted under Part II. of the principal Act and shall be in accordance with such conditions and terms (if any) as the Council or the Tribunal of Appeal may have prescribed.

(2.) Any notice served under the provisions of this section shall be deemed to be a notice empowered to be served under Part II. of the principal Act within the meaning of the second subsection of the two hundredth section of the principal Act which subsection shall be read and construed and take effect as though the words "fence or boundary" had been originally inserted therein immediately after the word "structure."

(3.) The fourteenth section of the principal Act is hereby repealed and from and after the passing of this Act the principal Act shall be read and have effect as if this section had been inserted therein instead of the said fourteenth section. 461

(4.) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

4. Height of Working Class Dwellings in certain Streets. The proviso in subsection 5 of section 13 of the principal Act commencing with the words "Provided always that no dwelling-house" is hereby so far as the said proviso relates to dwelling-houses inhabited or adapted to be inhabited by persons of the working class and situate outside the City amended so that it shall hereafter be read and have effect as if the words "a distance of twenty feet from the centre of the roadway" were substituted for the words "the prescribed distance" wherever the words "the prescribed distance" occur in the said proviso. { 100
460

5. Service of Summonses and Orders relating to Dangerous or Neglected Structures. Section 188 of the principal Act shall not apply to any notice summons or order to be served upon the owner or occupier of a dangerous or neglected structure : 507

Any such notice summons or order may be served on the owner or occupier of the dangerous or neglected structure by delivering a copy thereof to some person on the premises to which such notice summons or order relates or if no person be found on the premises then by fixing the same or a copy thereof on some conspicuous part of the premises to which it relates and in the case of a railway company by delivering a copy thereof to the secretary at the principal office of the company and in any such notice summons or order it shall be sufficient to describe the owner or occupier as "the owner" or "the occupier" and the same may be addressed to the owner or occupier by the description of "the owner" or "the occupier" of the premises (naming the premises) to which the same relates without further name or description :

Provided always that when the owner of any dangerous or neglected structure and his residence are known to the Council it shall be the duty of the Council to send a copy of every such notice summons or order by registered post addressed to the usual or last known residence of such owner :

In this section the expression "structure" shall have the meaning assigned to it in Part IX. of the principal Act In cases where a dangerous structure is situate within the City this section shall be read as if the Corporation were named therein instead of the Council.

6. Amendment of Section 200 Subs. (3.) (e.) of Act of 1894. Subsection (3.) (e.) of the two hundredth section of the principal Act shall hereafter be read and construed and take effect as though the word "retains" had been inserted therein immediately 510

after the word "erects" and the words "approval or" had been inserted therein immediately before the word "licence" wherever such word occurs therein.

509

7. Amendment of Section 200 Subs. (3.) of Act of 1894. Every person who does any of the things specified in paragraphs (a.) (d.) and (e.) of subsection (3.) of section 200 of the principal Act as amended by this Act shall be liable on conviction to a penalty not exceeding forty shillings for every such offence and the court before whom an information is laid by the Council in respect thereof may in addition to imposing such penalty make an order in writing directing such person to demolish the building or structure complained of or any part thereof or to comply with the conditions contained in any consent licence or approval granted by the Council for the setting up erection adaptation alteration or retention of such building or structure and such order of the court shall be deemed to be the order of the court within the meaning and for the purposes of the third subsection of the two hundredth section of the principal Act and the imposition of any penalty under the provisions of this present section shall be without prejudice to any proceedings under the third subsection of the two hundredth section of the principal Act for the daily penalty therein mentioned or under any other provisions of the principal Act or otherwise but so that no person shall be liable to more than one penalty (other than daily penalties) for the same offence.

8. As to the Stock Exchange Buildings. The buildings and premises of the Stock Exchange within the City of London shall for the purposes of this and the principal Act be deemed to be a public building within the meaning of such Acts.

9. Saving for Gas Companies. Nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of the principal Act.

10. Costs of Act. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be raised and paid by the Council as part of their general expenses.

LONDON GOVERNMENT ACT, 1899.

(62 & 63 VICT. c. 14.)

(*Extracts.*)

ESTABLISHMENT OF METROPOLITAN BOROUGHES.

2

536

1. Establishment of Metropolitan Boroughs in London. The whole of the administrative county of London, exclusive of the City of London, shall be divided into metropolitan boroughs (in this Act referred to as boroughs), and for that purpose it shall be lawful for Her Majesty by Order in Council, subject to and in accordance with this Act, to form each of the areas mentioned in the First Schedule to this Act into a separate borough, subject, nevertheless, to such alteration of area as may be required to give effect to the provisions of this Act, and subject also to such adjustment of boundaries as may appear to Her Majesty in Council expedient for simplification or convenience of administration, and to establish and incorporate a council for each of the boroughs so formed.

POWERS OF BOROUGH COUNCILS.

4. Transfer to Borough Councils of Powers from Vestries and District Boards.
(1.) On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the council for the borough comprising the area within which those powers are exercised, and their property and liabilities

shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the Local Government Board, whose decision shall be final.

(2.) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for administering the Act; and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council.

(3.) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act.

(4.) Any of the adoptive Acts may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts adopted before the appointed day does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof.

5. Transfer of Powers from London County Council. (1.) As from the appointed day the powers and duties of the London County Council under the enactments mentioned in Part One of the Second Schedule to this Act shall, subject to the conditions mentioned in that Schedule, be transferred to each borough council as respects their borough. 537

(2.) As from the appointed day the powers of the London County Council under the enactments mentioned in Part Two of the Second Schedule to this Act may, subject to the conditions mentioned in that Schedule, be exercised also by each borough council as respects their borough. 537

(3.) The Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exercisable by the County Council, or for transferring to the County Council any power exercisable by the borough councils.

(4.) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any power from the County Council to the Common Council, or from the Common Council to the County Council.

6. Additional Powers and Duties of Borough Councils. (1.) As from the appointed day the power and duty of maintaining any main road existing at the passing of this Act within a borough shall be transferred to the borough council, and the road shall vest in the borough council and shall cease to be a main road.

(2.) Where a highway in a borough is repairable by the London County Council by reason of its being the roadway or footway of a bridge, embankment, or otherwise, the borough council shall, if so required by the county council, undertake the maintenance and repair thereof in consideration of such annual payment by the county council as may from time to time be agreed on, or in default of agreement be finally determined by the Local Government Board, and for the purpose of the undertaking the borough council shall have the same powers and be subject to the same duties and liabilities as if the highway were vested in them.

(3.) The power of a borough council to close or stop up a street under section

372 eighty-four of the Metropolis Management Amendment Act, 1862, shall not require
the sanction or allowance of the London County Council. Provided that before closing
or stopping any such street the borough council shall give notice to the councils of any
contiguous boroughs.

717 (4.) It shall be the duty of each borough council to enforce within their borough
712 the byelaws and regulations for the time being in force with respect to dairies and
50 milk, and with respect to slaughter-houses, knackers' yards, and offensive businesses,
430 and for the purpose of performing this duty the borough council shall in all cases have
the same powers of entry as they have in the case of slaughter-houses and knackers'
yards, and if the council make default in performing this duty, the provisions of the
Public Health (London) Act, 1891, shall apply as if the default were a default under
that Act.

(5.) A borough council may, with the consent of the Local Government Board,
alienate any land for the time being vested in the council, and the proceeds of the sale
of any land sold by the council shall be applied in such manner as the Local Govern-
ment Board sanction towards the discharge of any loan of the council or otherwise for
any purpose for which capital may be applied by the council.

(6.) A borough council shall have the same powers of promoting and opposing Bills
in Parliament, and of prosecuting or defending any legal proceedings necessary for the
promotion or protection of the interests of the inhabitants of their borough, as are
conferred on borough councils outside London by the Borough Funds Act, 1872, and
the provisions of that Act shall extend to the council of a metropolitan borough as if
that council were included in the expression "governing body" and the borough were
a district in that Act mentioned.

RATES, OVERSEERS, AND AUDIT.

10. Levy of Rates. (1.) A scheme under this Act shall provide for all the expenses
of a borough council being paid out of the general rate, and for the discontinuance of a
separate sewers rate and separate lighting rate, but shall make provision for protecting
the interests of owners and occupiers of any hereditament which is exempt from any
rate or liable to be assessed thereto at a less amount than other hereditaments.

(2.) After the appointed day the general rate and the poor rate shall be assessed,
made, and levied together by the borough council as one rate, which shall be termed
the general rate, and shall be assessed, made, collected, and levied, as if it were the
poor rate, and all enactments applying or referring to the poor rate shall, subject to
the provisions of this Act as to audit, be construed as applying or referring also to the
general rate.

(3.) Where a borough comprises more than one parish, the amount to be raised to
meet the expenses of the borough council, or other sums payable as part of those
expenses, shall, subject to any provision required for the adjustment of local burdens,
be divided between the parishes in proportion to their rateable value.

(4.) Where any of the adoptive Acts, or any local or other Act, does not extend to
the whole borough, any rate required to meet the expenses incurred under the Act
shall, subject to the provisions of any scheme under this Act, be levied together with,
and as an additional item of, the general rate over the area to which the Act extends.

441 **11. Provisions as to Overseers and Collection of Rates.** (1.) After the appointed
day the council of each borough shall be the overseers of every parish within their
borough, and shall appoint such officers as may be required to assist in the transaction
of the business, and shall defray the expenses of and incidental to the performance of
the duties, of overseers. Provided that the town clerk of each borough shall have the
powers and duties and be subject to the liabilities of overseers with respect to the
preparation of lists of voters and of jury lists in the borough, and any document
required to be signed by overseers may be signed by the town clerk.

(2.) After the appointed day every precept issued by any authority in London for
the purpose of obtaining money which is ultimately to be raised out of a rate within a
borough, other than a precept sent to guardians by the Local Government Board or by
a body containing representatives elected by the guardians, shall be sent to the council

at their office, addressed to the council or to the town clerk. Any such precept, if so sent and addressed, shall be deemed to be personally served on the council, and shall be executed by them. "Precept" in this section includes any order, certificate, warrant, or other document of a like character, and the Local Government Board may settle the form of any precept as so defined.

(3.) After the appointed day all the rates collected in a metropolitan borough from any person by the council shall, as far as is practicable, be levied on one demand note, and the demand note shall be in a form approved by the Local Government Board, and shall state in manner provided in that form—

- (a.) the rateable value of the premises in respect of which the rate is levied ; and
- (b.) the rate in the pound ; and
- (c.) the period for which the rate is made ; and
- (d.) the several purposes for which the rate is levied ; and
- (e.) the approximate amount in the pound required for each purpose (including, as far as is practicable, the proportionate amount of the estimated costs of and loss in collection) ; and
- (f.) any matter required by section two of the London (Equalisation of Rates) Act, 1894, or any other enactment, to be stated in the demand note.

12. Incidence of Sewers Rate or its Equivalent. As between landlord and tenant every tenant who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his landlord any sum paid by the tenant on account of the sewers rate, shall in like manner be entitled to deduct against or to be repaid by his landlord such portion of the general rate as represents the sewers rate.

13. Assessment Committees. Where the whole of a poor law union is within one borough, the assessment committee shall, notwithstanding anything in section five of the Valuation (Metropolis) Act, 1869, be appointed by the borough council instead of by the board of guardians, and, where the borough comprises the whole of two or more unions, the council shall appoint only one assessment committee for those unions, and where the council appoint the assessment committee the town clerk shall act as the clerk to that committee.

14. Audit of Accounts. After the appointed day the accounts of the council of every metropolitan borough, and of any committee appointed by the council, and of their officers, including the accounts relating to the making, levy, and collection of any rate made by the council, shall be made up and audited in like manner and subject to the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

ORDERS AND SCHEMES.

19. Application of Act to Woolwich. (1.) A scheme under this Act shall provide for placing Woolwich under the general law applying to metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to London, and for the application thereto of the Metropolitan Management Acts, 1855 to 1893, and other enactments applying to London.

(2.) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

(3.) Nothing in this Act shall prevent the council of any borough consisting of or comprising Woolwich from continuing to make any contribution for the purpose of technical education hitherto made by any local authority, or from exercising any existing powers of carrying on a market.

20. Special Provision as to Penge. (1.) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong.

(2.) A scheme under this Act shall make such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London.

SUPPLEMENTAL.

33. Appointed Day and Transitory Provisions. (1.) For the purposes of this Act the appointed day shall be the day on which the members of the borough councils first elected under this Act come into office, or such other day not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different boroughs.

(2.) Subject to the provisions of any scheme under this Act, and to such adaptations as may be made by Order in Council, sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply in the case of boroughs and borough councils under this Act.

SCHEDULES.

FIRST SCHEDULE.

AREAS WHICH ARE TO BE BOROUGHES.

532

The parishes of—

Battersea.
Bethnal Green.
Camberwell.
Chelsea.
Fulham.
Hackney.
Hammersmith.
Hampstead.

Islington.
Kensington.
Lambeth.
Paddington.
St. Marylebone.
St. Pancras.
Shoreditch.

The area consisting of the parishes of Mile End Old Town and St. George's-in-the-East and the districts of the Limehouse and Whitechapel Boards of Works including the Tower of London and the liberties thereof.

The district of the Poplar Board of Works.

The district of the Wandsworth Board of Works.

The area consisting of the parishes of St. George the Martyr, Christchurch, Southwark, St. Saviour, Southwark, and Newington.

The area consisting of the parishes of Rotherhithe, Bermondsey, Horselydown, and St. Olave and St. Thomas, Southwark.

The area of the parliamentary division of Holborn.

The area consisting of the parliamentary divisions of East and Central Finsbury

The area of the parliamentary borough of Deptford.

The area of the parliamentary borough of Greenwich.

The area of the parliamentary borough of Lewisham.

The area of the parliamentary borough of Woolwich.

The area of the ancient parliamentary borough of Westminster, comprising the parishes of St. Margaret and St. John, Westminster, the parish of St. George, Hanover Square, the parish of St. James, Westminster, the parish of St. Martin-in-the-Fields and the district of the Strand Board of Works, and including the Close of the Collegiate Church of St. Peter, Westminster, and the Liberty of the Rolls.

The area consisting of the parish of Stoke Newington and of the urban district of South Hornsey, or so much thereof as may be incorporated with the county of London under this Act.

SECOND SCHEDULE.

PART I.

MINOR POWERS AND DUTIES TO BE TRANSFERRED FROM COUNTY COUNCIL.

533

Powers and Duties transferred.	Conditions of Transfer.	
Power under section eighty-four of the London Building Act, 1894, to license the setting up of wooden structures, and power to take proceedings for default in obtaining or observing the conditions of a licence under that section.		482
Power under section one hundred and thirty-four of the London Building Act, 1894, in relation to the removal of unauthorised sky signs.	Subject in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.	497
Powers under section one hundred and ninety-nine of the London Building Act, 1894, which section relates to the removal of obstructions in streets.		509
Power under section twenty-eight of the Public Health (London) Act, 1891, of registering dairymen.	Subject to the power of the London County Council to make byelaws, and in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.	433

PART II.

POWERS OF COUNTY COUNCIL TO BE EXERCISED ALSO BY BOROUGH COUNCILS.

Powers exercisable.	Conditions of Exercise.	
Power under section one hundred and seventy of the London Building Act, 1894, which section relates to the demolition of buildings in case of the conviction for an offence against the Act, or byelaws made under it.	The power to be exercised only where the borough council have obtained the conviction.	504
Power to take proceedings in respect of timber or other articles piled, stacked, or stored in contravention of section one hundred and ninety-seven or section two hundred (11.) (h.) of the London Building Act, 1894.	The power to be exercised only within the borough.	508
Powers under sections seventeen to twenty-five of the Metropolis Water Act, 1871, with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough.	
Power under section seven of the Railway and Canal Traffic Act, 1888 to make or appear in opposition to certain complaints.		
Powers under section sixty-five of the Local Government Act, 1888, which section relates to the acquisition of land.	The power to be exercised only where the land is required for the purpose of any of the powers or duties of the borough council.	
Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough.	
Power to make byelaws under section twenty-three of the Municipal Corporations Act, 1882, as applied by section sixteen of the Local Government Act, 1888.	The byelaws to be in force only within the borough and not to be inconsistent with any byelaws made by the county council.	

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 18	The Parliamentary Voters (Registration) Act, 1843.	In section fifty-six, the words "or to the town clerk of the borough of Southwark" and the words "and in regard to the borough of Southwark the high bailiff of the said borough."
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Sections two and three. Section five. Section seven. Section eight, from the beginning to "shall be elected and," and the words "with such other persons as hereinbefore mentioned." Sections eleven and twelve. Section twenty-eight to "every such meeting." Section twenty-nine. Sections thirty-one to forty-two. Sections fifty-five and fifty-six. Sections fifty-seven, fifty-eight, sixty, sixty-one and sixty-six, so far as they relate to district boards and their districts, and section fifty-eight, from "Provided always" to the end of the section. Section ninety-one, from "save as regards" to "any of the said Acts; and." Section one hundred and fifty-four, from "may sell and dispose of any land" to "just; and any such board or vestry," except in so far as it applies to the Metropolitan Board of Works. Section one hundred and fifty-eight, from "but every such vestry." Sections one hundred and sixty-one to one hundred and sixty-five. Sections one hundred and sixty-six to one hundred and sixty-nine. Sections one hundred and seventy-two to one hundred and seventy-four. Sections one hundred and seventy-five to one hundred and seventy-nine. Sections one hundred and ninety-two to one hundred and ninety-seven. In section one hundred and ninety-eight, the words "the said account in abstract" to "printed therewith," and the words "account in abstract, statement, and" wherever they occur. In section one hundred and ninety-nine, the words "according to the provisions of this Act." Section two hundred and thirty-seven, from "nor shall such parts" to "cleansing." Section two hundred and thirty-eight.
355		
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	In section eight, the words "and the precepts for obtaining payment of moneys required by the board for that purpose." Sections nine to twelve. Section fourteen.

THIRD SCHEDULE—*continued*.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 102— <i>continued</i> .	The Metropolis Management Amendment Act, 1862— <i>continued</i> .	Section fifteen, so far as it relates to vestries and district boards. Section sixteen. Section thirty-seven, so far as it relates to district boards. Section thirty-eight. Section forty. Section forty-one. In section fifty-six, the words “out of the sewers rates to be levied in their parish or district.” In section eighty-four, the words “with the previous sanction of the Metropolitan Board of Works” and the words “allowed by the Metropolitan Board.” The forms of precept in Schedule C.
48 & 49 Vict. c. 23 .	The Redistribution of Seats Act, 1885.	In section twelve the words “and also the town clerk for the new borough within the meaning of the Registration Acts.”
54 & 55 Vict. c. 76 .	The Public Health (London) Act, 1891.	Sections one hundred and two and one hundred and forty, and the Second Schedule.
55 & 56 Vict. c. 53 .	The Public Libraries Act, 1892.	Section twenty-two.
56 & 57 Vict. c. 73 .	The Local Government Act, 1894.	In section thirty-one, the words “the local board of Woolwich and”; the words “and the auditors for parishes elected under those Acts, and so far as respects the qualification of persons to be elected as if members of the district boards under the said Acts,” and the words “and no person shall ex officio be chairman of any of the said vestries”; and sub-section (2.). At the end of section forty-six, the words “and in the case of London auditors as if they were members of a district council.” In section forty-eight, sub-section (4.), the words “and of members of the local board of Woolwich”; and in sub-section (5.), the words “local board or” and “or auditor.”
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Section fifteen.
58 & 59 Vict. c. cxxvii.	The London County Council (General Powers) Act, 1895.	Section forty-two.

METROPOLIS MANAGEMENT ACTS AMENDMENT (BYELAWS) ACT, 1899.

(62 & 63 VICT. c. 15.)

1. **Short Title.** This Act may for all purposes be cited as the Metropolis Management Acts Amendment (Byelaws) Act, 1899.

352 **2. Powers as to Byelaws.** The powers of the London County Council for making byelaws under section two hundred and two of the Metropolis Management Act, 1855, shall extend and apply to authorize the Council to make byelaws for the following purpose :

691 Requiring persons about to construct, reconstruct, or alter the pipes, drains, or other means of communicating with sewers, or the traps and apparatus connected therewith, to deposit with the sanitary authority of the district such plans, sections, and particulars of the proposed construction, reconstruction, or alteration as may be necessary for the purpose of ascertaining whether such construction, reconstruction, or alteration, is in accordance with the statutory provisions relative thereto, and with any byelaws made under the said section.

Provided that any such byelaws shall not require the deposit of any plan or section in the case of any repair which does not involve the alteration or the entire reconstruction of any such pipe, drain, or other means of communicating with sewers, or the traps and apparatus connected therewith.

Provided that any such byelaws shall not require the deposit of plans, sections, and particulars before the work is commenced in any case in which the alteration of the drains must be carried out at once, but the byelaws may require such deposit to be made within a limited time from the commencement of the work.

3. Approval of Byelaws. For the purpose of the byelaws under this Act, and of such byelaws under the Metropolis Management Acts as are referred to in the Schedule to this Act, section two hundred and two of the Metropolis Management Act, 1855, shall be read and have effect as if the Local Government Board were therein mentioned instead of one of Her Majesty's principal Secretaries of State.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Transfer of Byelaws.
18 & 19 Vict. c. 120	Metropolis Management Act, 1855.	Section 138 of the Act of 1855 and section 83 of the Act of 1862. Byelaws for the guidance, direction, and control of vestries and district boards and all other persons in relation to the levels, dimensions, construction, alteration, maintenance, ventilation, and cleansing of sewers, and for securing the proper connexion and intercommunication of the sewers of the several parishes and districts, and their communications with the main sewers vested in the London County Council, and generally for the guidance, direction, and control of vestries and district boards in the exercise of their powers and duties in relation to sewerage.
25 & 26 Vict. c. 102	Metropolis Management Amendment Act, 1862.	
18 & 19 Vict. c. 120	Metropolis Management Act, 1855.	Section 202. Byelaws for regulating the material of the pavement and roadway of new streets and roads, and the dimensions, form, and mode of construction, and the keeping, cleansing, and repairing of the pipes, drains, and other means of communicating with sewers and the traps and apparatus connected therewith.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1900.

(63 & 64 VICT. C. CCLXVIII.)

(Extract.)

29. Conveniences on Disused Burial Grounds. It shall be lawful for the Council and for the vestries and district boards of works in the county of London (including the Woolwich Local Board) with the consent of the Council to erect and maintain upon any disused burial grounds in the county of London of which they respectively now have or hereafter may have the management or control such lavatories and sanitary conveniences as are necessary for the use of persons resorting thereto: 60

Provided that the Council and vestries and district boards of works shall not exercise the powers contained in this section in respect of any disused burial ground which has been consecrated unless and until they have been authorized to do so by a faculty issued from the Bishop's court of the diocese in which such disused consecrated burial ground is situate and subject to such conditions and restrictions as shall be inserted in the faculty.

CITY OF LONDON (VARIOUS POWERS) ACT, 1900.

(63 & 64 VICT. C. CCXXVIII.)

(Extracts.)

4 (part of). Interpretation. In this Act unless the subject or context otherwise requires terms to which meanings are assigned by any Act incorporated with this Act and any part of this Act have the same respective meanings:—

“Building” means and includes houses warehouses manufactories and all buildings of what nature or kind soever and every part thereof:

“Street” means any highway and any road bridge lane mews footway square court alley passage if repairable by the local authority whether a thoroughfare or not and a part of any such highway road bridge lane mews footway square court alley or passage.

51. No Bridge to be built across Street. No bridge or other structure shall be erected or built across any street within the City except with the consent and approval of the Corporation as signified under their common seal in addition to any other consent and approval that may be necessary under the London Building Act 1894. 211

52 (part of). Bridge not Approved may be Removed. The expression “structure” in this and the immediately preceding section shall not include any wires or apparatus used for telegraphic or telephonic purposes.

53. Power to affix Apparatus for Public Lighting to External Walls of Buildings Fronting Streets. The Corporation may affix to the external wall of any building fronting any street within the City any brackets wires pipes lamps and apparatus as may be necessary or convenient for the public lighting of streets within the City: 211

Provided that the Corporation shall make compensation to any persons sustaining injury by the affixing of any such brackets wires pipes lamps and apparatus to any building the amount of such compensation to be determined in default of agreement by arbitration under the Arbitration Act 1889 Provided also that no such brackets wires pipes lamps or apparatus shall be affixed to any railway bridge or to any building or premises of any railway company without the previous consent and approval of such railway company and in the event of such railway company so consenting and approving and of the railway company subsequently altering or reconstructing any such bridge or building then the Corporation shall at their own expense remove and refix all such

brackets wires pipes lamps or apparatus as may be necessary to the approval of such railway company.

There shall be exempted from the provisions of this section every building structure or work vested in and in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

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54. Byelaws as to Water-closets etc. The Corporation shall make and enforce byelaws with respect to water-closets earth-closets privies ashpits cesspools and receptacles for dung and the proper accessories thereof in connection with buildings Provided that nothing in this Part of this Act contained shall authorize the Corporation to make or enforce any byelaws with respect to water-closets or the accessories thereof which would be inconsistent with or contrary to anything contained in the Metropolis Water Act 1852 or the Metropolis Water Act 1871 or any regulations or byelaws made thereunder "Ashpit" in this section means any ashpit dust-bin ash-tub or other receptacle for the deposit of ashes or refuse matter.

66. Appeal to Quarter Sessions. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may save as otherwise provided in this Act or in any Act incorporated with this Act or any part of this Act appeal therefrom to a court of quarter sessions.

FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. 7, c. 22.)

(*Extracts.*)

PART I.

HEALTH AND SAFETY.

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1. Sanitary Condition of Factory. (1.) The following provisions shall apply to every factory as defined by this Act, except a domestic factory :—

- (a.) It must be kept in a cleanly state ;
- (b.) It must be kept free from effluvia arising from any drain, watercloset, earth-closet, privy, urinal, or other nuisance ;
- (c.) It must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;
- (d.) It must be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

(2.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies.

(3.) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed ; and if

they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4.) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto.

(5.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

2. Sanitary Condition of Workshops and Workplaces. (1.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, and workplace, except any factory to which the last preceding section applies.

(2.) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, watercloset, earth-closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(3.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any district council that the limewashing, cleansing, or purifying, of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the council shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same, or part thereof, as the case may require.

(4.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(5.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies. 423

3. Overcrowding of Factory or Workshop. (1.) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person. 55

(2.) Provided that the Secretary of State may, by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

(4.) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

4. Power of Secretary of State to Act in Default of Local Authority. (1.) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating

to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by any district council, he may, by order, authorize an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2.) An inspector authorized in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.

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5. Powers of Inspector as to Sanitary Defects in Factory or Workshop Remediable by Sanitary Authority.

(1.) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2.) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the district council.

(3.) Where notice of an act, neglect, or default, is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the district council might have taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

6. Temperature in Factories and Workshops. (1.) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.

(2.) The Secretary of State may, by Special Order, direct with respect to any class of factories or workshops that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.

(3.) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

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7. Ventilation. (1.) In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.

(2.) The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories.

(3.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

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(4.) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought

to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.

8. Drainage of Floors. (1.) In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet. 551

(2.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

14. Provision of Means of Escape in Case of Fire. (1.) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the district council of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act; and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided. 182

(2.) With respect to all factories and workshops to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the district council of every district from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and unless the requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

(3.) In case of a difference of opinion between the owner of the factory or workshop and the council under the last foregoing subsection, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended, or confirmed in accordance with the award. 551

(4.) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case. 214

(5.) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly.

(6.) The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so

maintained the factory or workshop shall be deemed not to be kept in conformity with this Act.

183 (7.) For the purposes of this section the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier.

(8.) All expenses incurred by a district council in the execution of this section shall be defrayed—

(a.) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875 ; and

(b.) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875 ;

and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

15. Byelaws for Means of Escape from Fire. Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall apply to any byelaws so made.

16. Doors of Factory or Workshop to Open from Inside. (1.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(2.) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

74. Provision as to Ventilation by Fan in certain Factories and Workshops. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time ; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

75. Lavatories and Meals in certain Dangerous Trades. (1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

(2.) In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

BAKEHOUSES.

97. Sanitary Regulations for Bakehouses. (1.) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with:—

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- (a.) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse;
- (b.) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset;
- (c.) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2.) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

98. Penalty for Bakehouse being Unfit on Sanitary Grounds. (1.) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

99. Limewashing, Painting, and Washing of Bakehouses. (1.) All the inside walls of the rooms of a bakehouse, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

- (a.) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap once at least in every six months; and

- (b.) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2.) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

100. Provision as to Sleeping Places near Bakehouses. (1.) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it is constructed as follows; that is to say

- (a.) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and
- (b.) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2.) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

101. Prohibition of Underground Bakehouses. (1.) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act.

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(2.) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.

(3.) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking, or for any process incidental thereto.

(4.) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.

432 (5.) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891.

(6.) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act.

(7.) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction, and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

214 (8.) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

102. Enforcement of Law as to Retail Bakehouses by Sanitary Authorities. As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the medical officer of health of the district council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

BUILDINGS.

105. Application of Certain Provisions to Buildings. (1.) The provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and
- (v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building were included in the word "factory" and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the beforementioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

- (a.) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and
 - (b.) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,
- were included in the word “factory,” and, as if, in the first case, the employer of the persons engaged in the construction or repair and, in the second case, the occupier of the building, were the occupier of a factory.

PART IX.

LEGAL PROCEEDINGS.

135. Fine for not keeping Factory or Workshop in conformity with Act.

(1.) If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act. The court may, on application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day on which the non-compliance continues.

145. Appeal to Quarter Sessions. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

PART X.

APPLICATION AND DEFINITIONS.

149. Factories and Workshops to which Act Applies. (1.) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

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The expression “textile factory” means any premises wherein or within the close or curtilage of which steam, water, or other mechanical power, is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories:

The expression “non-textile factory” means—

- (a.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act; and
- (b.) any premises or places named in Part Two of the said Schedule wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power, is used in aid of the manufacturing process carried on there; and
- (c.) any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—
 - (i.) the making of any article or of part of any article; or
 - (ii.) the altering, repairing, ornamenting, or finishing of any article; or
 - (iii.) the adapting for sale of any article,
 and wherein or within the close or curtilage or precincts of which steam,

water, or other mechanical power is used in aid of the manufacturing process carried on there :

The expression "factory" means textile factory and non-textile factory, or either of those descriptions of factories :

The expression "tenement factory" means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building :

The expression "workshop" means—

- (a.) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory ; and
- (b.) any premises, room, or place, not being a factory, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—
 - (i.) the making of any article or of part of any article, or
 - (ii.) the altering, repairing, ornamenting, or finishing of any article ; or
 - (iii.) the adapting for sale of any article,
 and to or over which premises, room, or place the employer of the persons working therein has the right of access or control :

The expression "workshop" includes a tenement workshop :

The expression "tenement workshop" means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

(2.) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.

(3.) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4.) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

(5.) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(6.) The exercise by any young person or child in any recognised efficient school, during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

150. Application to Crown Factories and Workshops. (1.) This Act applies to factories and workshops belonging to the Crown ; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.

(2.) A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3.) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

151. Power to Treat Separate Branches as Separate Factories or Workshops. The Secretary of State may by special order direct, with respect to any class of

factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

153. Application of Act to London. (1.) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire, the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894. 182

(2.) In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire, the reference to a district council shall be construed as a reference to the London County Council.

(3.) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops whether exceeding sixty feet in height or not. 502

(4.) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the City of London, be construed as references to the Court of Common Council and the City, and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.

156 (part of). General Definitions. (1.) In this Act unless the context otherwise requires,—

“**Owner.**” The expression “owner” has the meaning given to it by section four of the Public Health Act, 1875 : 13

157. Men's Workshops. The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any woman, young person, or child therein :— 55

(1.) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery, and inquests ;

(2.) Part II. and Part III. ;

(3.) The sections in Part IV. relating to fans and to lavatories and meals ;

(4.) Part VII. ;

(5.) The sections of Part VIII. relating to the affixing of abstracts and notices, and the keeping of a general register, and the first subsection of the section relating to periodical returns.

FIRST SCHEDULE.

PROVISIONS AS TO ARBITRATIONS.

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(1.) The parties to the arbitration are in this schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3.) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4.) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5.) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

(6.) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7.) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

(10.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognisance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13.) The decision of every umpire on the matters referred to him shall be final.

(14.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15.) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(17.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under this Act.

SIXTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

PART I.

NON-TEXTILE FACTORIES.

(1.) **"Print Works."** "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

(2.) **"Bleaching and Dyeing Works."** "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering,

finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

(3.) "**Earthenware Works.**" "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles ;

(4.) "**Lucifer-match Works.**" "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

(5.) "**Percussion Cap Works.**" "Percussion cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

(6.) "**Cartridge Works.**" "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

(7.) "**Paper-staining Works.**" "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

(8.) "**Fustian-cutting Works.**" "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

(9.) "**Blast Furnaces.**" "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

(10.) "**Copper Mills.**" "Copper mills" ;

(11.) "**Iron Mills.**" "Iron mills," that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

(12.) "**Foundries.**" "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

(13.) "**Metal and India-rubber Works.**" "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

(14.) "**Paper Mills.**" "Paper mills," that is to say, any premises in which the manufacture of paper is carried on ;

(15.) "**Glass Works.**" "Glass works," that is to say, any premises in which the manufacture of glass is carried on ;

(16.) "**Tobacco Factories.**" "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;

(17.) "**Letterpress Printing Works.**" "Letterpress printing works," that is to say, any premises in which the process of letterpress printing is carried on ;

(18.) "**Bookbinding Works.**" "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;

(19.) "**Flax Scutch Mills.**" "Flax scutch mills" ;

(20.) "**Electrical Stations.**" "Electrical stations," that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway, mine, or other industrial undertaking.

PART II.

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NON-TEXTILE FACTORIES AND WORKSHOPS.

(21.) "**Hat Works.**" "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

(22.) "**Rope Works.**" "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

(23.) "**Bakehouses.**" "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;

(24.) "**Lace Warehouses.**" "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

(25.) "**Shipbuilding Yards.**" "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation, are made, finished, or repaired ;

(26.) "**Quarries.**" "Quarries," that is to say, any place not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals ;

(27.) "**Pit Banks.**" "Pit banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

(28.) Dry cleaning, carpet beating, and bottle washing works.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1902.

(2 EDW. 7, c. CLXXIII.)

(*Extracts.*)

PART IX.

COMMON LODGING-HOUSES.

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46. Council may give Notice requiring Application for Licence to keep a Common Lodging-house. The council may within six months after the passing of this Act give notice to every keeper of a common lodging-house in the county who shall then be registered under the Common Lodging-Houses Acts 1851 and 1853 (hereinafter referred to as "registered common lodging-house keepers") requiring him to make application in writing to the council within one month after receipt of such notice or within such further period as the council may prescribe for a licence to keep a common lodging-house in the county and to receive lodgers therein and such application shall specify the premises in respect of which application is made for such licence and the number of lodgers proposed to be received therein Such notice shall be given

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by leaving the same for each registered common lodging-house keeper at his lodging-house and may be in the form set out in the Schedule to this Act or to the like effect.

47. Council to inquire as to Suitability of Applicant and of Premises. The council shall as soon as practicable after any such application shall have been made to them make or cause to be made all necessary and proper inspections and inquiries both as to whether the person so applying is a fit and proper person to have the control and management of a common lodging-house and as to whether the premises in respect of which application is made for a licence are structurally and otherwise suitable for use and occupation as a common lodging-house having regard to the number health safety and convenience of persons occupying or intended to occupy the same.

48. Granting of Licence. If in the opinion of the council the person applying for a licence is a fit and proper person to have control and management of a common lodging-house and the premises in respect of which the application is made are suitable for a common lodging-house the council may grant to such person a licence to use the premises specified in his application for the purpose of a common lodging-house and to receive lodgers therein and such licence shall specify the maximum number of persons who may at any one time occupy such premises.

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49. Period of Licence and as to Renewal and Cancellation. Such licence shall be valid for the period of one year from the date thereof but after the expiration of the said period the same shall be of no force or effect the person named in any such licence (herein-after referred to as "a licensed lodging-house keeper") may at or before the expiration of the said period make application to the council to renew his licence in respect of the same premises and if the council shall think fit they may renew such licence accordingly for a further period of one year from the expiration of any licence and so from time to time.

50. Appeal against Refusal to License. (1.) The council shall not refuse to grant or renew a licence under this part of this Act except upon the ground (a) that the person applying to be licensed is not a fit and proper person to be licensed as a common lodging-house keeper or (b) that the premises are not suitable or suitably equipped for the purposes of a common lodging-house.

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(2.) If the council refuse to grant a licence under this part of this Act they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such licence is refused.

(3.) If the licence or renewal of licence be refused any person aggrieved by such refusal may appeal to a metropolitan police magistrate provided that such appeal is made within fourteen days from the date of such refusal and not less than twenty-four hours' notice of such appeal be sent to the council.

(4.) If a licence or renewal of licence be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the magistrate shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to him upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5.) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the said magistrate may direct.

51. Unlicensed Person not to keep a Common Lodging-house. From and after the expiration of the period of notice to be given by the council as aforesaid no person unless he shall have applied for and obtained a licence under this part of this Act shall keep a common lodging-house in the county or receive lodgers therein.

52. Future Applications for Licences. Any person who shall hereafter be desirous of becoming a licensed lodging-house keeper in the county shall be at liberty to make application to the council in the same manner as if he had at the date of the passing of this Act been a registered common lodging-house keeper and the provisions of this part of this Act shall apply accordingly.

53. Byelaws relating to Common Lodging-houses. (1.) From and after the

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passing of this Act section 9 of the Common Lodging-Houses Act 1851 shall cease to be operative or have effect in the county.

(2.) The council may make byelaws—

(a.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house and for the separation of the sexes therein; and

(b.) For promoting cleanliness and ventilation in such houses; and

(c.) For the giving of notices and the taking of precautions in the case of any infectious disease; and

(d.) Generally for the well ordering of such houses.

(3.) Any byelaws made by the council under the provisions of this section shall be made subject and according to the provisions referred to in section 114 of the Public Health (London) Act 1891.

CITY OF LONDON (PUBLIC HEALTH) ACT, 1902.

(2 EDW. 7, C. CXVI.)

(*Extracts.*)

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5. Corporation may make Byelaws as to Demolition of Buildings. The corporation may make byelaws in relation to the demolition of buildings within the City for the following purposes (that is to say):—

The placing of fans at the level of each floor:

The hoarding up of windows from which sashes and glass have been removed:

The regulation of demolition of internal parts of buildings before commencing to take down external walls:

The placing of screens or mats to prevent nuisance arising from dust:

The compelling the use of water to prevent nuisance arising from dust:

The regulating the periods of the day or night during which ceilings may be broken down and mortar shot or allowed to fall into any basement:

The regulating the hours of the day or night during which materials arising from the demolition of buildings may be carted away.

6. Exemption for Railway Property. Nothing in this Act or any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connection with their railway.

7. Byelaws to be allowed by Local Government Board. Byelaws made under this Act shall not come into operation until they are allowed by the Local Government Board and such byelaws shall be made subject and according to the provisions contained in section 184 of the Public Health Act 1875 which section shall apply in like manner as if the corporation were a local authority.

8. Penalties in Byelaws. Byelaws under this Act may impose penalties not exceeding five pounds for each breach thereof but shall be so framed as to allow in every case of less than the maximum penalty being ordered to be paid.

9. Printing and Sale of Byelaws. The corporation shall cause all byelaws for the time being in force under this Act to be printed and a copy thereof to be sold at a price not exceeding sixpence to every person desiring to buy the same.

10. Proof of Byelaws. The production of a printed copy of byelaws purporting to be made and allowed under this Act and purporting to be printed by the direction of the corporation and to be authenticated by the signature of the town clerk of the City shall be evidence of the existence and contents and due making of those byelaws and of the approval thereof (where approval is required) without proof of the signature of the town clerk or of any other matter.

11. Recovery of Penalties. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner and shall on recovery be paid to the chamberlain of the City and shall be carried to the account of the consolidated rate or sewer rate or either of such rates. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

12. Appeal to Quarter Sessions. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal therefrom to a court of quarter sessions.

13. Exempting Property of Inner and Middle Temples. The lands buildings and property of—

- (1.) The Honourable Society of the Inner Temple ;
- (2.) The Honourable Society of the Middle Temple ;

shall be exempt from the operation of this Act.

14. Saving Rights of Crown. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1903

(3 EDW. 7, C. CLXXXVII.)

(*Extracts.*)

PART VIII.

DEPOTS FOR RECEIVING HORSES FOR SLAUGHTER OR DEAD HORSES.

53. Unlicensed Premises not to be used for receiving Horses for Slaughter or Dead Horses. (1.) From and after the passing of this Act it shall not be lawful for any person to use any yard building or other premises within the county for receiving or keeping horses for slaughter or the carcases of dead horses unless he shall hold a licence from the Council to use such yard building or other premises for that purpose.

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(2.) The Council may grant such licences subject to such conditions as they may think fit and every such licence shall be subject to the provisions relating to granting and otherwise for the time being in force with respect to licences for keeping or using premises within the county as a slaughter-house or knacker's yard. Provided that no licence under this section shall extend to entitle the holder to carry on upon the premises in respect of which the same shall have been granted the business of a slaughterer of horses or knacker but the provisions of this section shall not be construed or deemed to prejudice or affect the right of any person for the time being lawfully carrying on any of such last-mentioned businesses to use under a licence from the Council and subject to the provisions of the Public Health (London) Act 1891 premises in the county as a slaughter-house or knacker's yard.

(3.) Any person contravening the provisions of this section or any of the conditions subject to which his licence shall have been granted shall be liable on conviction to a penalty of not exceeding fifty pounds for every such offence and to a further penalty of not exceeding fifty pounds for every day during which such offence shall continue after conviction thereof.

56. This Part of Act not to apply to City of London. The provisions of this Part of this Act shall not apply to the City of London.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1904

(4 EDW. 7, c. CXXIV.)

(Extracts.)

58 **22. Sanitary Authority may require Removal or Alteration of Sanitary Conveniences.** If any sanitary convenience now or hereafter erected in or accessible from any street in any sanitary district shall be so placed or constructed as to be a nuisance or offensive to public decency the sanitary authority of that district by notice in writing may require the owner to remove such convenience or otherwise to reconstruct the same in such a manner and with such materials as may be required to abate the nuisance and remove the offence against public decency. Any owner who fails within a reasonable time to comply with a notice under this section shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day during which he makes default in complying with the requirements of such notice after such conviction.

37 **23. Fixed Ashpits to be Removed where Movable Ashpits Provided.** Where any person shall have provided in connection with any building in any sanitary district a movable ashpit conforming with the requirements of any byelaw or order made under any statutory power or authority in that behalf it shall be lawful for the sanitary authority of that district by notice in writing to require the owner of such building to remove or fill up any fixed ashpit in or about such building and restore to a good and sanitary condition the site of such ashpit within a reasonable period to be prescribed in such notice and if such owner fails to comply therewith within the period so prescribed he shall be liable on summary conviction to a fine not exceeding twenty shillings and to a further fine not exceeding ten shillings for every day during which he makes default in complying with such notice after such conviction :

Provided that the sanitary authority may if in the circumstances of any particular case they think fit bear any reasonable costs and expenses or part thereof incurred in executing work under this section.

554 **47. Amending Part IX. of London County Council (General Powers) Act 1902.** Notwithstanding anything contained in the London County Council (General Powers) Act 1902 licences granted or renewed by the Council under that Act to keep or use premises as common lodging-houses shall expire on such day in every year as the Council may fix notwithstanding that the period during which any such licence shall remain valid may exceed one year from the date thereof and when a licence is first granted or renewed after the passing of this Act the Council may provide that the same shall be valid for a period ending on or at any time before the day so fixed which secondly occurs after the date of the licence.

LONDON BUILDING ACTS (AMENDMENT) ACT, 1905

(5 EDW. 7, c. CCIX.)

1. Short Title. This Act may be cited as the London Building Acts (Amendment) Act 1905.

453 **2. Acts of 1894 and 1898 and this Act may be cited together.** The Act of 1894
530 and the Act of 1898 and this Act may be cited together as the London Building Acts 1894 to 1905.

3. Commencement of Act. This Act shall except where otherwise expressly provided come into operation on and shall take effect from the first day of January next after the passing thereof which date is in this Act referred to as "the commencement of this Act."

4. Extent of Act. This Act shall extend to London and no further.

5. Definition of Fire-resisting Material. In the Act of 1894 the Act of 1898 and this Act unless the context otherwise requires the expression "fire-resisting material" means any of the materials and things described or referred to in the First Schedule to this Act. 569

6. Interpretation. (1.) In and for the purposes of this Act unless the subject or context otherwise requires—

(i.) The expression "owner" (except as used in the section of this Act the marginal note whereof is "Fees to district surveyors") means the person for the time being receiving the rackrent of the premises in connection with which the said expression is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rackrent but where used in the said section the said expression shall have the same meaning as is assigned thereto by section 5 of the Act of 1894: 13 564

(ii.) The expression "rackrent" means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenant's rates and taxes and tithe commutation rentcharge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent: 456

(iii.) The expression "upper storey" means any storey the level of the upper surface of the floor whereof is at a greater height than fifty feet above the level of the footway (if any) immediately in front of the centre of the face of the building in which such storey is situate or (where there is no such footway) above the level of the ground before excavation:

(iv.) The expression "high building" means any building any storey whereof is an upper storey as herein-before defined:

(v.) The expression "new building" means any building the actual erection of which above the footings shall not have been bonâ fide and substantially commenced at the date of the commencement of this Act or which has been taken down burnt or destroyed for more than one half of its cubical extent and re-erected or commenced to be re-erected after such date or of which the cubical extent has been increased after such date by an amount equal to the cubical extent of the building as existing before such increase and any existing building which by reason of any alteration thereof or addition thereto becomes a high building after such date:

(vi.) The expression "existing building" means any building not being a new building:

(vii.) The expression "certified building" means any building in respect whereof the Council shall have issued a certificate or which the Tribunal of Appeal shall have determined to have been provided with means of escape under the provisions of the section of this Act of which the marginal note is "Protection against fire in certain new buildings":

(viii.) The expression "the Tribunal of Appeal" means the Tribunal of Appeal constituted by the Act of 1894: 505

(ix.) The expression "plans" means plans sections and elevations.

(2.) Words and expressions used in this Act shall unless other meanings are assigned to them by this Act or the context otherwise requires bear the meanings respectively assigned to them by the Act of 1894 and any reference in the Act of 1894 or in the Act of 1898 or in this Act to any part or provisions of the Act of 1894 or to any schedule or part of any schedule to the Act of 1894 shall be construed as referring to such part or provisions or schedule or part of a schedule as amended by the Act of 1898 and by this Act respectively.

7. Protection against Fire in certain New Buildings. (1.) Every new building 186

(except a dwelling-house occupied as such by not more than one family) which is—

- (a.) A high building; or
- (b.) A building in which sleeping accommodation is provided for more than twenty persons or which is occupied or constructed or adapted to be occupied by more than twenty persons or in which more than twenty persons are employed or which is constructed or adapted for the employment therein of more than twenty persons;

shall be provided in accordance with plans approved by the Council or (in the event of an appeal) the Tribunal of Appeal with all such means of escape therefrom in case of fire as can be reasonably required under the circumstances of the case. The owner of the building shall before or at the same time that the building notice under section 145 (Notices to be given to surveyor by builder) of the Act of 1894 in respect of such building is served on the district surveyor deposit or cause to be deposited at the county hall a notice stating the like matters and particulars as are required by the last-mentioned section to be stated in a building notice thereunder together with a copy (which may be a sun-print or photographic reproduction on paper) of the plans prepared for such new building showing so far as may be necessary for the purposes of this Act the means of escape proposed to be provided in connection with such building.

It shall be lawful for the Council at any time within the period of one month or in the event of such period of one month commencing or expiring on any day between the first day of August and the fourteenth day of September both inclusive then within the period of two months after the deposit as aforesaid of such plans to refuse to approve such plans or to approve the same subject to such conditions (if any) as they may prescribe provided that the Council shall within such period as aforesaid give notice to the applicant of such refusal or conditional approval stating fully all their reasons for such refusal or for the imposition of such conditions as the case may be. Provided that if within the period limited as aforesaid the Council fail to give notice of their refusal to approve any such plans or of the conditions subject to which they approve any such plans they shall be deemed to have approved such plans without conditions.

(2.) No upper storey in any high building not being of the class referred to in paragraph (b.) of subsection (1.) of this section and no part of any building of the class referred to in the said paragraph shall be occupied or let for occupation until the Council shall have issued a certificate or (in the event of an appeal) the Tribunal of Appeal shall have determined that such building has been provided with means of escape in accordance with plans approved as aforesaid by the Council or the Tribunal of Appeal (as the case may be) and that the conditions (if any) subject to which such plans were so approved have been complied with. Provided that unless the Council shall within fourteen days after notice of completion of any such building shall have been given to the Council by the owner notify to the owner that such certificate is refused and the grounds of such refusal such certificate shall be deemed to have been duly issued.

(3.) If by reason of any structural alteration or addition of a substantial character of or to any certified building (being a building of the class referred to in paragraph (b.) of subsection (1.) of this section) the sleeping accommodation in such building is substantially increased and the risk of fire in such building or the difficulty of escaping therefrom in case of fire is thereby substantially increased or if the number of persons occupying or employed or dwelling in the upper storeys of any certified building (being a high building but not being a building of the class referred to in the said paragraph) or in any part of any certified building (being a building of the class referred to in the said paragraph) is substantially increased and the risk of fire in the upper storeys of such building (being a high building) or in any part of such building (being a building of the class referred to in the said paragraph) or the difficulty of escaping from any such upper storey or part of a building (as the case may be) in case of fire is thereby substantially increased or if by reason of any change of circumstances

in or affecting any certified building the risk of fire in such building is substantially increased or escape from such building or any such upper storey as aforesaid (as the case may be) in case of fire is rendered substantially more difficult or if by reason of any material change in the mode of user of any certified building the risk of fire in such building is substantially increased or escape from such building or from any such upper storey as aforesaid (as the case may be) in case of fire is rendered substantially more difficult then and in any of such events the certificate issued by the Council or the determination of the Tribunal of Appeal (as the case may be) in respect of such building shall thenceforth be void and of none effect and such building shall thenceforth cease to be a new building and be deemed to be an existing building :

Provided that the notice to be served on the owner of such building by the Council under the provisions of the section of this Act whereof the marginal note is "Protection against fire in certain existing buildings" shall if the owner request the Council in writing so to do (giving particulars of any proposed or completed alteration addition or change of circumstances) be served within two months after the receipt by them of such written request and that if notwithstanding such written request no such notice is so served within the period aforesaid such building or the upper storeys of such building as the case may be shall be deemed to be in the opinion of the Council provided with proper and sufficient means of escape in case of fire.

(4.) Nothing in this section contained shall authorize the Council to require in the case of a building being a high building and not being a building of the class referred to in paragraph (b.) of subsection (1.) of this section any means of escape from any storey other than an upper storey. 187

8. As to Occupation of certain Buildings during Rebuilding. Nothing in subsection (2.) of the section of this Act whereof the marginal note is "Protection against fire in certain new buildings" shall prevent the continuous occupation during rebuilding of any portion of any building to which the said subsection applies and which has been partially taken down burnt or destroyed.

9. Protection against Fire in certain Existing Buildings. (1.) From and after the first day of January one thousand nine hundred and seven in the case of any existing building (except a dwelling-house occupied as such by not more than one family) which is— 188

(a.) A high building ; or

(b.) A building in which sleeping accommodation is provided for more than twenty persons or which is occupied by more than twenty persons or in which more than twenty persons are employed ;

the Council if in their opinion such building is not provided with proper and sufficient means of escape therefrom in case of fire may at any time serve on the owner of such building a notice requiring him to provide such means of escape as can be reasonably required under the circumstances of the case.

Any such notice shall specify in detail the requirements of the Council and the owner of such building shall subject to the provisions of this Act execute and do all such works and things as may be necessary in order to comply with any requirements made by the Council under this section and (in the event of an appeal) confirmed or varied by the Tribunal of Appeal as hereinafter provided within such period as may be required by the Council or (in the event of an appeal) the Tribunal of Appeal. Provided that if such owner shall within twenty-one days after the service of such notice have submitted to the Council alternative proposals for the provision of means of escape in case of fire and the Council shall have in writing accepted the same as satisfactory it shall not be necessary for such owner to comply with any of the requirements contained in the notice served on him by the Council as aforesaid but he shall with all practicable despatch after such acceptance as aforesaid execute and do all such works and things as may be necessary in order to provide the means of escape specified in such alternative proposals.

(2.) Where any owner of a building has been convicted of an offence against this Act—

(a.) By failing to comply with any requirement made by the Council under this

section and (in the event of an appeal) confirmed or varied by the Tribunal of Appeal within the period required by the Council or the Tribunal of Appeal (as the case may be); or

- (b.) By failing to execute and do with all practicable despatch after such acceptance as aforesaid all such works and things as may be necessary to provide the means of escape specified in such alternative proposals as aforesaid;

a petty sessional court may notwithstanding the imposition of any penalty make an order prohibiting the occupation of such building (being a building of the class referred to in paragraph (b.) of subsection (1.) of this section) or any part or parts of such building or the occupation of any upper storey of such building (being a high building and not being a building of the class referred to in the said paragraph) The costs of any such proceedings and order shall be in the discretion of the court.

Any order made under this subsection may be at any time amended or discharged by the order of a petty sessional court.

(3.) The Council shall keep at the county hall a register (which shall be open at all reasonable times to inspection) of all orders made under this section.

(4.) Nothing in this section contained shall authorize the Council to require in the case of a building (being a high building and not being a building of the class referred to in paragraph (b.) of subsection (1.) of this section) any means of escape from any storey other than an upper storey.

189

10. Projecting Shops. (1.) Where any part of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of such shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick.

(2.) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls Provided that no such lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall Provided also that the sides of such lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed Provided further that no part of any such lantern light or ventilating cowl shall project above the roof in or upon which the same is constructed or placed to a greater extent than five feet.

(3.) The provisions of this section shall extend and apply as well to existing as to new buildings.

(4.) The Council or (in the event of an appeal) the Tribunal of Appeal may in any case where it is reasonable so to do sanction subject to such conditions if any as the Council or (in the event of an appeal) the Tribunal of Appeal may impose in giving such sanction the exemption of any building from all or any of the provisions of this section.

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11. Rules for Living Rooms over Premises used for Storage of Inflammable Liquid. (1.) No person shall knowingly or wilfully use or permit to be used either as a living room or as a workshop or workroom any room constructed over or communicating directly with any part of a building used for the storage of petroleum as defined by section 3 of the Petroleum Act 1871 whether or not petroleum within the meaning of that Act or bisulphide of carbon or ether or turpentine or methylated spirit or any other inflammable liquid kept for sale or trade purposes in such quantities or in such manner as to be liable to cause fire or explosion unless there be provided in connection with such room according to the requirements and to the satisfaction of the Council—

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- (i.) Adequate safeguards to prevent the spread of fire from the part of the building used for the storage of any such inflammable liquid to such room; and
- (ii.) Means of ready escape from such room in case of fire.

(2.) Nothing in this section contained shall affect or prejudice any jurisdiction vested in the corporation of the City of London under the Petroleum Act 1871.

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12. Means of Access to Roofs. (1.) (A.) Every existing building to which the section of this Act whereof the marginal note is "Projecting shops" applies and every other existing building except a dwelling-house occupied as such by not more than two families; and

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(B.) Every new building;

shall if having more than two storeys above the ground storey or if exceeding thirty feet in height be provided (unless and except so far as the Council otherwise allow) by the owner with either—

(a.) A dormer window or a door opening in a suitable position approved by the district surveyor on to the roof with proper access thereto; or

(b.) A trap door in a suitable position approved by the district surveyor covered with copper or zinc and hung on hinges so as to admit of the same opening to the fullest extent and furnished with a counter-weight so as to ensure that the same shall open automatically when unfastened and also with a fixed or hinged step-ladder leading to the roof; or

(c.) Other proper means of access to the roof;

and with a sufficient parapet or guard-rail where reasonably practicable and necessary to prevent persons slipping off the roof. Any dormer window or trap-door provided under this subsection shall only be fastened in such a manner as to ensure access to the roof being always readily available from the inside of the building.

(2.) The Council or (in the event of an appeal) the Tribunal of Appeal may in any case where it is reasonable so to do sanction subject to such conditions if any as the Council or (in the event of an appeal) the Tribunal of Appeal may impose in giving such sanction the exemption of any building from all or any of the provisions of this section.

(3.) This section shall not apply to any building falling within either of the sections of this Act the respective marginal notes whereof are "Protection against fire in certain new buildings" and "Protection against fire in certain existing buildings."

13. Conversion of Buildings. No person shall without the consent in writing of the Council or (in the event of an appeal) the Tribunal of Appeal convert a building in such manner that such building when so converted will not be in conformity with the provisions of this Act or without such consent knowingly or wilfully permit or suffer any building when so converted to be used or occupied. Provided that if the Council shall not within the period of one month or in the event of such period of one month commencing or expiring on any day between the first day of August and the fourteenth day of September both inclusive then within the period of two months after written application to the Council by the owner for such consent notify to the owner that such consent is refused and the grounds of such refusal such consent shall be deemed to have been duly given. For the purposes of this section the expression "convert" shall include any change of user whether involving any structural alteration or not and notice of such conversion shall be given to the district surveyor by the owner or occupier of the building intended to be converted.

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14. Means of Escape to be Maintained. All means of escape in case of fire provided in accordance with any of the provisions of this Act or otherwise shall be kept and maintained by the owner of the building in respect whereof they are provided in good condition and repair and in efficient working order and no person shall knowingly or wilfully obstruct or render less commodious or permit or suffer to be obstructed or rendered less commodious any such means of escape as aforesaid.

15. Power to Owner to Enter notwithstanding Provisions of Lease. For the purpose of carrying out or maintaining any work required to be done or maintained by the owner under any of the provisions of this Act it shall be lawful for the owner of any building notwithstanding any provision to the contrary contained or implied in any lease or contract affecting such building to enter such building or any part thereof and do all such things therein or in relation thereto as may be necessary or proper in that behalf.

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192 **16. Duties of District Surveyors under Act.** (1.) The execution of every work to in or upon a building necessary to give effect to the provisions of this Act shall be subject to the supervision of the district surveyor appointed to the district in which the building is situated in like manner as any work done to in or upon the building under the provisions of the Act of 1894.

(2.) Particulars of any means of escape required by the Council or (in the event of an appeal) the Tribunal of Appeal or to be provided in accordance with plans approved by the Council under the provisions of this Act shall be furnished by the Council to the district surveyor within whose district the building to which such particulars relate is situate and it shall be the duty of the district surveyor to ascertain that such means of escape are properly provided in accordance with such particulars and to report to the Council any failure to provide the same.

(3.) Where any of the provisions of the sections of this Act whereof the marginal notes are respectively "Projecting shops" and "Means of access to roofs" are or become applicable to a new or to an existing building the district surveyor shall as soon as he discovers that such building is not in conformity with such provisions report such non-conformity to the Council.

17. District Surveyors to notify Council in certain Cases. The district surveyor shall notify in writing to the Council every building about to be erected in his district to which in his opinion the section of this Act the marginal note whereof is "Protection against fire in certain new buildings" would apply and within a reasonable time after being requested in writing by the Council shall from time to time ascertain and notify in writing to the Council any building within his district or any part thereof to which in his opinion the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings" applies and also upon completion of any works required to be carried out under either of such sections shall notify to the Council whether all the requirements made by the Council or the Tribunal of Appeal (as the case may be) have been complied with.

192 **18. Fees to District Surveyors.** (1.) The district surveyor shall be entitled to receive from and shall be paid by the builder employed in erecting the building in respect whereof the same are chargeable or in doing any work or matter in respect of which any service has been performed by such surveyor under the provisions of this Act or from the owner or occupier of such building or of any building in respect whereof such work or matter has been done or service performed the fees specified in
570 Part I. of the Second Schedule to this Act and the provisions of section 157 (Periods
501 when surveyors entitled to fees) of the Act of 1894 shall apply to the said fees and the recovery of the same.

(2.) The district surveyor shall be entitled to receive from and shall be paid by the
571 Council the fee specified in Part II. of the said Second Schedule in respect of the performance of the duties therein mentioned.

(3.) Where any works or services other than those carried out or performed in pursuance of this Act are carried out or performed in respect of any building the said fees shall be in addition to and not in substitution for any fees which may be payable under the Act of 1894 in respect of such other works or services as aforesaid.

19. Exemption of Owner from Penalty on Conviction of Actual Offender. (1.) Where an offence under this Act for which the owner of any building is liable under this Act to a penalty has in fact been committed by an occupier or any other person that occupier or other person shall be liable to the same penalty as if he were the owner.

(2.) Where the owner is charged with any such offence he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge against himself and if after the commission of the offence has been proved the owner proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of this Act and that such other person has committed the offence in question without the knowledge consent or connivance of the owner that other person shall be summarily convicted of the offence and the owner shall be exempt from any

penalty. The person so convicted shall in the discretion of the court be also liable to pay any costs incidental to the proceedings.

20. Apportionment of Expenses borne by Owners. The owner of any building who has paid or incurred the expenses of executing any work in respect of such building which the owner of such building is required to execute under any provisions of this Act or has paid any other expenses which by any such provision as aforesaid are required to be borne or paid by the owner may if he thinks fit apply to the county court of the district in which such building is situate and such court may thereupon issue a summons requiring the several persons entitled to any estate or interest in the building to appear before the court and the court may make such order concerning such expenses or their apportionment among all the several persons entitled to any estate or interest in the building as appears to the court to be just and equitable in the circumstances of the case regard being had to the terms of any lease or contract affecting such building. 215

21. Arbitration as to Incidence of Damage. Where the occupier of any building shall claim to have sustained any damage directly and solely caused by the construction of any works carried out under this Act such claim shall be referred to arbitration and the arbitrator shall determine how such damage shall be borne by the persons interested in the said building having regard to all the circumstances of the case including the terms of any lease or contract affecting such building. 192 215

22. As to Appeals under Act. (1.) At any time within two months after— 192

- (a.) The refusal or conditional grant by the Council of their approval of any plans deposited pursuant to the section of this Act the marginal note whereof is "Protection against fire in certain new buildings" or the refusal by the Council to issue a certificate pursuant to the same section;
- (b.) The service on the owner of any building of notice of any requirement of the Council under the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings";
- (c.) The making of any requirement with respect to any building under the section of this Act the marginal note whereof is "Projecting shops" or any refusal or conditional grant of the sanction of the Council to any exemption under the last-mentioned section or the section of this Act the marginal note whereof is "Means of access to roofs";
- (d.) The making of any requirement by the Council with respect to any building under the section of this Act the marginal note whereof is "Rules for living rooms over premises used for storage of inflammable liquid"; or
- (e.) Any refusal of the consent of the Council under the section of this Act the marginal note whereof is "Conversion of buildings";

the owner of the building to which such requirement or refusal or conditional grant relates may if he think fit appeal to the Tribunal of Appeal.

(2.) The National Telephone Company Limited shall in any case where they are the occupiers (without being also the owners) of any building or part of a building containing plant which is used for or in connection with public telephonic communication to which any such requirement or refusal or conditional grant relates have the like right of appeal against such requirement refusal or conditional grant as the said company would have had if they had been the owners of such building or part of a building and the Council shall give or cause to be given to the said company full and detailed particulars of any such requirement refusal or conditional grant upon or contemporaneously with such requirement refusal or conditional grant.

23. Power of Entry to Council and their Officers and District Surveyors.

(1.) For the purpose of exercising their powers or performing their duties under this Act it shall be lawful for the Council or any officer of the Council duly authorized in writing by the Council in that behalf (which authority such officer shall produce if required) at all reasonable times and after reasonable notice to enter inspect and examine any building structure or premises to which he has reasonable grounds for thinking that the provisions of this Act apply.

(2.) For the purpose of performing his duties under this Act it shall be lawful for

the district surveyor at all reasonable times to enter inspect and examine any building structure or premises.

24. Offences against Act. Subject to the provisions of this Act every person who does any of the things specified in this section shall be deemed to have committed an offence against this Act and shall be liable upon conviction in a summary manner to a penalty not exceeding the amount herein-after specified in connection with such offence and to a further penalty not exceeding the amount herein-after specified as the daily penalty in connection with such offence for every day on which the offence is continued (that is to say):—

(1.) Every person who—

(a.) Occupies permits to be occupied or lets for occupation any upper storey or any part of any building in contravention of the provisions of the section of this Act the marginal note whereof is “Protection against fire in certain new buildings”; or

(b.)—(i.) Fails to comply with any requirement made by the Council under the section of this Act the marginal note whereof is “Protection against fire in certain existing buildings” and (in the event of an appeal) confirmed or varied by the Tribunal of Appeal within such time as may be required by the Council or the Tribunal of Appeal; or

(ii.) Fails to execute and do with all practicable despatch after acceptance by the Council of any alternative proposals under the said section for the provision of means of escape in case of fire all such works and things as may be necessary to provide the means of escape specified in such alternative proposals; or

(iii.) Occupies or permits to be occupied any part of or storey in a building after the making of an order of a petty sessional court under the said section prohibiting the occupation of such part of or such storey in such building unless such order has been discharged as in the said section provided; or

(c.) Fails to deposit or cause to be deposited at or within the time at or within which the same are by the respective provisions relating thereto required to be deposited any notice or plans required to be deposited under the provisions of this Act; or

(d.) Knowingly or wilfully uses or permits to be used any room in contravention of the provisions of the section of this Act the marginal note whereof is “Rules for living rooms over premises used for storage of inflammable liquid”; or

(e.) Fails to comply with the provisions of the sections of this Act the respective marginal notes whereof are “Projecting shops” and “Means of access to roofs”; or

(f.) Neglects to keep and maintain in good condition and repair and in efficient working order or obstructs or renders less commodious or permits or suffers to be obstructed or rendered less commodious any means of escape in case of fire provided in accordance with any of the provisions of this Act or otherwise; or

(g.) Refuses to admit any officer of the Council or district surveyor or other person when entitled so to do under this Act to enter survey inspect or examine any building structure work or premises which such officer or surveyor or other person is by this Act authorized to enter survey inspect or examine or refuses or neglects to afford him all reasonable facilities and assistance in such survey inspection or examination; or

(h.) Hinders or obstructs any persons empowered by this Act to enter and remain on any premises for the purpose of executing or maintaining and to execute or maintain any work required by this Act to be executed or maintained; or

(i.) Knowingly or wilfully converts or permits or suffers to be used or occupied a building in contravention of the provisions of the section of this Act the marginal note whereof is “Conversion of buildings”; or

- (j.) Does any other thing prohibited by this Act or fails neglects or omits to do any other thing which he is required to do under or in pursuance of this Act ;
shall be liable to a penalty not exceeding twenty pounds and a daily penalty not exceeding ten pounds ;
- (2.) The liability to these penalties shall be without prejudice to any other proceedings whether under the Act of 1894 or this Act or any byelaw or regulation made under the Act of 1894 or otherwise but so that no person shall be punished twice for the same offence :
- (3.) All such penalties as aforesaid shall be recoverable in a summary manner and the provisions of section 169 (Application of penalties) of the Act of 1894 shall extend and apply to all penalties recovered by the Council under this Act.

25. Repeal of Scheduled Enactment. The Act specified in the Third Schedule to this Act is hereby repealed to the extent specified in the third and fourth columns of that schedule. 571

26. Certain Provisions of Act not to Apply to Factories Workshops or Common Lodging-houses. (1.) The provisions of this Act shall not apply to any building the whole of which is a factory or workshop within the meaning of section 14 of the Factory and Workshop Act 1901 or to any common lodging-house within the meaning of any statute for the time being in force relating to common lodging-houses within London. 193

(2.) Nothing in this Act shall empower the Council to require as regards any building while used in part as a factory or workshop means of escape in case of fire to be provided from or in respect of the part so used of such building if within three years prior to the passing of this Act means of escape in case of fire have been provided from such part in compliance with the Factory and Workshop Act 1901.

27. Incorporating Certain Provisions of Act of 1894. (1.) The following provisions of the Act of 1894 are hereby incorporated with and form part of this Act and shall extend and apply accordingly and have effect as fully and effectually as if the same had been re-enacted in this Act (that is to say) :—

Section 144 (Surveyor not to act in case of works under his professional superintendence) ;

Section 145 (Notices to be given to surveyor by builder) ;

Section 147 (Notice to be evidence of intended works) ;

Section 156 (Fees in relation to evidence before Tribunal) ;

Section 181 (Power for Council to support decisions of officers before Tribunal) ;

Section 182 (Tribunal may state case for opinion of High Court) ;

Section 183 (Procedure of Tribunal) ;

Section 184 (Regulations as to procedure and fees) ;

Section 185 (Enforcement of decision of Tribunal) ;

Section 187 (Notices to be in writing) ;

Section 188 (Service of notices) ;

Section 190 (Power for Council to annex conditions) ;

Section 194 (Plans and documents to be property of Council) ;

Section 195 (Mode of giving approval of Council to plans) ;

Section 196 (Consent how given on behalf of owners not to be found) ;

Section 206 (Duration of exemption).

(2.) All regulations made and to be made by the Tribunal of Appeal under the said section 184 of the Act of 1894 shall apply to the procedure to be followed in cases of appeal under this Act. 676

28. For Protection of Inns of Court. The lands buildings and property of—

(1) The Honourable Society of the Inner Temple ;

(2) The Honourable Society of the Middle Temple ;

(3) The Honourable Society of Lincoln's Inn ;

(4) The Honourable Society of Gray's Inn ;

shall be exempt from the operation of this Act.

246 **29. Exempting Certain Property of Dock Companies.** (1.) Any building or structure or part of a building or structure belonging to a dock company constituted by Act of Parliament and situate within the dock premises shall be exempt from the provisions of this Act.

(2.) The exemption conferred by this section shall extend to and include any building or structure or part of a building or structure belonging to the Surrey Commercial Dock Company in connection with their Surrey Canal undertaking and used exclusively for the purposes of canal works under the Acts of Parliament regulating the said undertaking.

30. Exempting Certain Property of Railway Companies. Any building or structure (not being an hotel) belonging to or leased by any railway company situate upon the railway or within the railway or station premises of the same or any other railway company and used for the purposes of or in connection with the traffic of the railway company shall be exempt from the provisions of this Act.

31. Exempting Certain Property of Electric Lighting Companies. Any building or structure or part of a building or structure belonging to or leased by any electric lighting company having statutory powers for the supply of electricity and used exclusively as a generating station or distributing or transforming station or for works connected with the exercise of such powers shall be exempt from the provisions of this Act.

32. Exempting Generating Station of Underground Electric Railways Company of London Limited. The generating station referred to in section 8 of the Metropolitan District Railway Act 1902 shall be exempt from the provisions of this Act.

33. Exempting Certain Property of Gas Companies. Any building or structure or part of a building or structure belonging to or leased by any gas company and used exclusively for gasworks shall be exempt from the provisions of this Act.

246 **34. As to Banks and Insurance Offices.** (1.) Any new or existing building used or intended to be used to the extent of not less than three-fourths of its cubical extent as a bank or insurance office or partly for one and partly for the other of such purposes by not more than two companies or firms and used or intended to be used as regards the residue thereof only as a residence for or for providing sleeping accommodation for officers or servants of such companies or firms shall so long as such building is not used otherwise than as aforesaid be exempt from the provisions of this Act.

(2.) The premises known as Staple Inn Holborn shall be deemed to be existing buildings to which the provisions of this section apply.

35. As to Stock Exchange Buildings. The buildings of the Stock Exchange in the City of London situated between Throgmorton Street on the north and Threadneedle Street and Old Broad Street on the south or south-east and also any buildings (while used as a stock exchange) erected on the site of the properties Nos. 31 to 33 Throgmorton Street shall be exempt from the provisions of this Act.

36. Exempting Buildings of Public Wharfingers. Any existing building or structure in the exclusive occupation of a public wharfinger and used by him for the purposes of his business and situate upon or in immediate proximity to a dock wharf quay or riverside frontage and which is self-contained and does not abut on any building shall be exempt from the provisions of this Act. Provided that this exemption shall not apply to uptown warehouses or to any building wherein any manufacturing process is carried on or wherein any person sleeps:

“Public wharfinger” means the owner lessee or occupier of a wharf quay warehouse or granary adjoining the port of London mainly used for warehousing the goods imported into the port of London of persons other than the occupier of such premises.

37. Exempting Royal Albert Hall. The buildings and premises known as the Royal Albert Hall shall be exempt from the provisions of this Act.

38. For Protection of Metropolitan District Baker Street and Waterloo Great Northern Piccadilly and Brompton and Charing Cross Euston and Hampstead Railway Companies. Any new or existing building or structure (not being an hotel) now or hereafter belonging to or leased or erected by the Metropolitan District Railway Company the Baker Street and Waterloo Railway Company the Great Northern Piccadilly and Brompton Railway Company and the Charing Cross Euston and

Hampstead Railway Company or any of them shall so far as erected or used or intended to be used for the purposes of or in connection with the traffic of the said companies or any of them be exempt from the provisions of this Act.

39. Exempting Certain Buildings. The following buildings shall so long as used for their present purposes be exempt from the provisions of this Act :—

- (1.) The Mansion House Guildhall and Royal Exchange of the City :
- (2.) The Sessions House at the Old Bailey and all public buildings erected or occupied by the corporation under the provisions of the City of London Police Acts :
- (3.) The buildings of the Metropolitan Cattle Market the Cattle Market at Deptford the London Central Markets the Spitalfields Market and the Shadwell Market.

40. Bonded Warehouses to be Exempt. Any building or part of a building approved by the Commissioners of Customs or the Commissioners of Inland Revenue as a warehouse or store for warehousing or depositing goods without payment of duty shall while used with such approval for any of such purposes and unless except so far as such Commissioners otherwise allow be exempt from the provisions of this Act.

41. Saving Rights of Crown. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing contained herein shall authorize the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners are hereby authorized to give.

42. Saving Rights of Duchy of Cornwall. Nothing contained in this Act shall extend to authorize the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorized under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

43. Expenses of Act how to be borne. All expenses incurred by the Council in carrying this Act into execution and not otherwise provided for shall be deemed to be general expenses incurred by the Council and shall be raised and paid accordingly and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be raised and paid by the Council in like manner.

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

THE FIRST SCHEDULE.

The following materials shall for the purposes of the Act of 1894 the Act of 1898 and this Act be deemed to be fire-resisting materials :—

(I.) For general purposes :

- (1.) Brickwork constructed of good bricks well burnt hard and sound properly bonded and solidly put together—
 - (a.) With good mortar compounded of good lime and sharp clean sand hard clean broken brick broken flint grit or slag ; or
 - (b.) With good cement ; or
 - (c.) With cement mixed with sharp clean sand hard clean broken brick broken flint grit or slag ;

- (2.) Granite and other stone suitable for building purposes by reason of its solidity and durability ;
 - (3.) Iron steel and copper ;
 - (4.) Slate tiles brick and terra-cotta when used for coverings or corbels ;
 - (5.) Flagstones when used for floors over arches but such flagstones not to be exposed on the underside and not supported at the ends only ;
 - (6.) Concrete composed of broken brick tile stone chippings ballast pumice or coke breeze and lime cement or calcined gypsum ;
 - (7.) Any combination of concrete and steel or iron.
- (II.) For special purposes :
- (1.) In the case of doors and shutters and their frames oak teak jarrah karri or other hard timber not less than one and three-quarters inches finished thickness the frames being bedded solid to the walls or partitions ;
 - (2.) In the case of staircases and landings oak teak jarrah karri or other hard timber the treads risers strings and bearers being not less than one and three-quarters inches finished thickness and the ceilings and soffits if any being of plaster or cement ;
 - (3.) Oak teak jarrah karri and other hard timber when used for beams or posts or in combination with iron the timber and the iron (if any) being protected by plastering or other incombustible or non-conducting external coating not less than two inches in thickness or in the case of timber not less than one inch in thickness on iron lathing ;
 - (4.)—(a.) In the case of floors and roofs—
Brick tile terra-cotta or concrete composed as described in paragraph (I.) (6.) of this Schedule not less than five inches thick in combination with iron or steel ;
 - (b.) In the case of floors and of the roofs of projecting shops—
Pugging of concrete composed as described in the said paragraph (I.) (6.) not less than five inches thick between wood joists provided a fillet one inch square is secured to the sides of the joists and placed so as to be in a central position in the depth of the concrete or concrete blocks not less than five inches thick laid between wood joists on fire-resisting bearers secured to the sides of joists ;
 - (5.) In the case of verandahs balustrades outside landings the treads strings and risers of outside stairs outside steps porticoes and porches oak teak jarrah karri or other hard timber not less than one and three-quarters inches finished thickness ;
 - (6.) In the case of internal partitions enclosing staircases and passages terra-cotta brickwork concrete or other incombustible material not less than three inches thick ;
 - (7.) In the case of glazing for windows doors and borrowed lights lantern or skylights glass not less than one fourth of an inch in thickness in direct combination with metal the melting point of which is not lower than 1,800 degrees Fahrenheit in squares not exceeding sixteen square inches and in panels not exceeding two feet across either way the panels to be secured with fire-resisting materials in fire-resisting frames of hard wood not less than one and three-quarters inches finished thickness or of iron.
- (III.) Any other material from time to time approved by the Council as fire-resisting.

THE SECOND SCHEDULE.

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FEES PAYABLE TO DISTRICT SURVEYORS.

PART I.

(A.) In respect of a building erected in conformity with the provisions of the section of this Act of which the marginal note is "Protection against fire in certain new buildings" ; or

(B.) For ascertaining whether any requirement made by the Council under the section of this Act the marginal note whereof is "Protection against fire in certain existing buildings" and (in the event of an appeal) confirmed by the Tribunal of Appeal is complied with; or

(c.) For any work required under the provisions of either of the sections of this Act the respective marginal notes whereof are "Projecting shops" and "Means of access to roofs"—

One fifth of the amount of the fee payable under the Third Schedule of the Act of 1894 in respect of a new building of the same character or the sum of one pound one shilling whichever shall be the greater.

PART II.

For surveying for the purpose of ascertaining and notifying or reporting any building to the Council pursuant to the provisions of the sections of this Act the marginal notes whereof are respectively "District surveyors to notify Council in certain cases" and "Duties of district surveyors under Act."

For every building to which such sections apply and for every other building which in the opinion of the Council has been reasonably inspected for the purposes of such sections a fee of seven shillings and sixpence.

THE THIRD SCHEDULE.

Session and Chapter.	Title or Short Title.	No. of Section.	Extent of Repeal.	
57 & 58 Vict. c. ccxiii.	London Building Act 1894.	5	Subsection (36.).	456
		61	Subsection (2.).	473
		63	The whole section.	473
		Second Schedule.	The whole schedule.	520

WOOLWICH BOROUGH COUNCIL ACT, 1905.

(5 EDW. 7, c. CLXI.)

(*Extract.*)

21. Definition of Drain. In the application to the parish of Woolwich of the provisions of the Metropolis Management Acts 1855 to 1893 and other enactments applying to London and notwithstanding anything contained therein or in any Act of Parliament in force within any part of the said parish prior to the first day of November one thousand nine hundred the word "drain" shall include any drain constructed before the said first day of November one thousand nine hundred and draining any group or block of houses by a combined operation and the word "sewer" as defined by section 250 of the Metropolis Management Act 1855 shall not mean or include any such drain. 35

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1907.

(7 EDW. 7, c. CLXXV.)

(Extracts.)

PART I.

INTRODUCTORY.

3 (part of). **Interpretation of Terms.** The expressions "flood works" "bank" "drain" and "works of maintenance" have respectively the same meanings as are given to them by the Act of 1879.

"Tenement house" means any house occupied by any person of the working class which is wholly or partially let in lodgings or which is occupied by members of more than one family.

"Working class" has the same meaning as in the Schedule to the Housing of the Working Classes Act 1903.¹

PART VI.

PREVENTION OF FLOODS.

30 **41. Notice to be given of Intention to Execute Flood Works.** (1.) Not less than one month before commencing to execute any flood works the person intending to execute the same shall give to the Council notice in writing of such his intention with particulars of the nature and extent of such flood works and accompanied (unless the Council in their discretion otherwise allow) by plans and specifications of the intended works for approval by the Council under section 5 (Flood works not to be executed
403 except in accordance with plans) of the Act of 1879 :

Provided that nothing in this sub-section shall prevent the Council from sanctioning the commencement of the execution of any flood works referred to in any such notice prior to the expiration of the period of one month from the giving of such notice.

(2.) Any person who shall commence or cause to be commenced the execution of any flood works without giving such notice and particulars as aforesaid or before the expiration of one month or such shorter period (if any) as the Council may sanction as aforesaid from the giving of any such notice or (unless the Council shall have waived the furnishing of plans and specifications) without having submitted with any such notice such plans and specifications as aforesaid shall be liable on summary conviction to a penalty not exceeding fifty pounds.

42. Penalties for Infringements of Section 5 of Act of 1879 and of this Part of Act. Any person who shall commence or execute or cause to be commenced or executed any flood works otherwise than in accordance with any plans which the Council shall have caused to be prepared in pursuance of the Act of 1879 or (unless the Council shall have waived the furnishing of plans and specifications) with any plans or specifications which the Council shall have approved shall be liable on summary conviction to a penalty not exceeding fifty pounds in respect of each such offence and to a further penalty not exceeding fifty pounds for every day after the first day after the commencement of such works until plans and specifications thereof shall have been approved by the Council.

43. Penalty for Interference with Banks by Unauthorized Persons. Any person who shall damage or injure or who without being authorized so to do under the provisions of the Act of 1879 as amended by this Act shall alter remove

¹ The term is there defined as follows :—"The expression 'working class' includes mechanics, artisans, labourers and others working for wages ; hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them."

or interfere with any bank shall be liable on summary conviction to a penalty not exceeding fifty pounds.

If any party feel aggrieved by any adjudication or determination of a Court of summary jurisdiction with respect to any penalty under the provisions of this section such party may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

44. Council may require Provision of Temporary Dam before Commencement of Flood Works. (1.) It shall be lawful for the Council in any case in which they deem it necessary or expedient so to do to require any person intending to execute any flood works to provide a proper and sufficient dam of a description to be approved by the Council before commencing to execute such works and to maintain and keep in repair such dam to the satisfaction of the Council until the completion of such works or for such longer or shorter period as the Council may determine. 30

(2.) Any person who shall commence or execute or cause to be commenced or executed any flood works without having previously thereto provided if so required as aforesaid a dam of a description approved by the Council or who shall at any time during such period as the Council shall have determined as aforesaid fail to maintain and keep in repair to the satisfaction of the Council any such dam shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after conviction of any such offence until he shall have provided a dam of a description approved by the Council or during which he shall fail to make good to the satisfaction of the Council any defects in the repair of any dam provided in pursuance of any requirement of the Council in that behalf as the case may be.

45. Limiting Period for Notices of Objection to Execution of Works of Maintenance and for making of Order by Council. (1.) Notwithstanding anything contained in the Act of 1879 it shall be lawful for the Council if they think fit in any notice given by them requiring the execution of works of maintenance to prescribe such period (whether more or less than twenty-eight days) as they may in each case think fit as the period within which notice of objection to execute such works and of the reasons for such objection is to be given to the Council and any person who shall not within the period prescribed in any such first-mentioned notice give to the Council notice of his objection to execute the works of maintenance required by the Council and of his reasons for such objection shall be deemed to have consented to execute such works of maintenance.

(2.) The Council may if they think fit make in relation to any such objections as aforesaid any such order as is referred to in section 7 (Board to make plan of necessary flood works and serve notice of the making thereof upon commissioners of sewers vestries district boards and owners affected thereby) of the Act of 1879 notwithstanding that the period of twenty-eight days next after the receipt of the notice of such objections referred to in the said section shall not have expired.

PART XII.

MISCELLANEOUS.

78. As to Supply of Water in Tenement Houses. For the purposes of section 48 (Provisions as to house without proper water supply) of the Public Health (London) Act 1891 a tenement house shall be deemed to be a house without a proper and sufficient supply of water unless there shall be provided on the storey or one of the storeys in which the rooms or lodgings in the separate occupation of each family occupying such house are situate a sufficient provision for the supply of water for domestic purposes: 54 438

Provided that with respect to any building existing and in use as a tenement house at the passing of this Act this section shall not (A) come into operation until the first day of January One thousand nine hundred and eight or (B) apply where the only storey or storeys on which a proper and sufficient supply of water is not provided is or are a storey or storeys (i.) constructed at a height exceeding that to which the Metropolitan Water Board may for the time being be required to furnish a supply of

water for domestic purposes and (ii.) to which a supply of water for such purposes is not at the passing of this Act being furnished by the said Board by agreement :

Provided also that this section shall not apply to any tenement house in respect of which it can be shown that any such provision for the supply of water as aforesaid is not reasonably necessary.

METROPOLITAN WATER BOARD (CHARGES) ACT, 1907.

(7 EDW. 7, C. CLXXI.)

(*Extracts.*)

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8. Domestic Supply and Charges. Subject to the provisions of this Act the Board shall at the request of the owner or occupier of any house or building or part of a house or building occupied as a separate tenement in any street within the limits of supply in which any service main or service pipe of the Board shall be laid or of any person who under the provisions of this Act shall be entitled to require a supply of water for domestic purposes furnish to such owner or occupier or other person by means of a communication pipe or communication pipes and other necessary and proper apparatus to be provided and laid down and maintained by him and at his cost a sufficient supply of water for domestic purposes at a rate per annum which shall not exceed five per centum of the rateable value of the house or building or part of a house or building in respect of which the supply is required and such rate shall subject to the provisions of this Act be charged uniformly under like circumstances to all consumers entitled to such supply.

9. Rebates to be made in Certain Cases. Where under the foregoing provisions of this Act the Board furnish a supply of water for domestic purposes to any house or building or part of a house or building occupied solely for the purposes of any trade or business or of any profession or calling by which the occupier seeks a livelihood or profit and occupied as a separate tenement which is assessed to the poor rate or other rate in which such last mentioned rate is included in a sum exceeding three hundred pounds per annum and is not charged with the payment of inhabited house duty the Board shall make or allow from the water rate payable in respect of such supply a rebate or discount of such amount (not being less than twenty per centum or more than thirty per centum of such water rate) as the Board may from time to time determine and such rebate or discount shall from time to time be made or allowed from the water rate payable in respect of every such supply as aforesaid and at a uniform rate per centum.

Provided that in making or allowing such rebate or discount the water rate shall not in any case be less than would have been payable in respect of any house or building or part of a house or building occupied as a separate tenement assessed to the poor rate or other such rate as aforesaid in a sum of three hundred pounds per annum.

11. As to Charges for Supply for Domestic Purposes on Bishop of London's Estate Paddington. (1.) As from the commencement of this Act until the thirty-first day of March one thousand nine hundred and thirty-three section IV. (Rates at which water is to be supplied in part of Paddington for domestic purposes) of "The Grand Junction Waterworks Act, 1856," shall be read and have effect as if the rate specified in the section of this Act of which the marginal note is "Domestic supply and charges" had been therein referred to instead of the several rates specified in section 46 of "The Grand Junction Waterworks Act, 1852" and as from the first day of April, one thousand nine hundred and thirty-three the said "Grand Junction Waterworks Act 1856" shall be and the same is hereby repealed.

(2.) Nothing in this section shall deprive any person of any rebate or discount to which he may be entitled under the section of this Act of which the marginal note is

“Rebates to be made in certain cases” and such rebate or discount shall be calculated upon the net amount chargeable pursuant to the foregoing sub-section of this section.

15. Dates for Payment of Water Rates. Notwithstanding anything contained in section 70 of “The Waterworks Clauses Act 1847” the quarterly days for payment of water rates to the Board shall be the first day of April the first day of July the first day of October and the first day of January in each year.

16. Supply by Measure. (1.) The Board shall at the request of any owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the Board is or shall be laid who requires for use on such premises a supply of water by measure for purposes other than domestic and by means of communication pipes and other necessary and proper apparatus to be provided laid and maintained by and at the cost of the person requiring such supply afford a supply of water by means of a meter or other fit and sufficient instrument or apparatus supplied (at the cost of such person as aforesaid) or approved by the Board for measuring and ascertaining the quantity of water so supplied. 293

(2.) The Board shall charge for any supply furnished by them under the last preceding sub-section of this section not exceeding the following rates for every one thousand gallons (that is to say) :—

When the quarterly consumption of water does not exceed fifty thousand gallons eleven pence ;

When exceeding fifty thousand gallons and not exceeding one hundred thousand gallons ten pence ;

When exceeding one hundred thousand gallons and not exceeding two hundred thousand gallons nine pence and one half-penny ;

When exceeding two hundred thousand gallons and not exceeding five hundred thousand gallons nine pence ;

When exceeding five hundred thousand gallons and not exceeding one million gallons eight pence and one half-penny ;

When exceeding one million gallons and not exceeding three million gallons eight pence ;

When exceeding three million gallons and not exceeding five million gallons seven pence ;

When exceeding five million gallons sixpence and one eighth of a penny.

Provided that the Board shall be entitled to charge for any such supply a sum of not less than twenty-two shillings and eleven pence in any quarter of a year and shall not be required to furnish any such supply for hydraulic power or in any greater quantity than five hundred thousand gallons in any day of twenty-four hours save to such consumers as may have during any day in the year ending the thirty-first day of March One thousand nine hundred and seven received a supply in excess of five hundred thousand gallons in which case the Board shall if required continue to give to such consumers a daily supply not exceeding the quantity so received :

Provided also that the whole of the water taken within any railway premises which form one area for railway purposes and are connected otherwise than by the running lines of the railway company shall be reckoned as one supply and chargeable accordingly notwithstanding that the water may in fact be delivered thereat through two or more meters pipes or other necessary and proper instruments :

Provided further that the whole of the water furnished to any person within any premises which form one area for trading or manufacturing purposes shall be reckoned as one supply and chargeable accordingly notwithstanding that the water may in fact be delivered thereat through two or more meters pipes or other necessary and proper instruments :

Provided also that provisions of this section shall not prejudice any right which the London Hydraulic Power Company may have under this section to require a supply for the purposes of their trade or business.

(3.) The said rates shall be charged uniformly under like circumstances to all consumers entitled to and receiving a supply under this section and the Board shall

not in the case of any supply exceeding twenty-five thousand gallons charge for any such supply a greater sum than they would be entitled to charge if the quantity of water supplied were just sufficient to bring such supply within the next division of the above-mentioned scale of rates relating to a supply of a greater quantity whereon a lower rate for every one thousand gallons is chargeable.

(4.) The Board shall not be liable to any penalty or damages for not supplying water under this section if the failure to furnish such supply arises from frost unusual drought or other unavoidable cause or accident.

130) **17. Supply for Building Purposes.** Any builder being about to erect any building
293) or part of a building who shall require a supply of water for that purpose shall be deemed to be the occupier of premises within the meaning and for the purposes of the section of this Act relating to "Supply by measure" Provided that if the Board so determine they may instead of affording the required supply by measure afford the same at a rate not exceeding seven shillings per hundred pounds of the probable total cost after making such allowance as the Board may think reasonable for decorative or iron or steel work not requiring the use of water.

18. Meter Rents. The Board shall not take or recover from any consumer of water in respect of the hire of any meter or instrument for measuring water any rent in excess of the following respective sums where the diameter of the inlet and outlet of such meter or instrument does not exceed the dimensions herein-after respectively specified (that is to say) :—

- Not exceeding three-eighths of an inch one shilling and sixpence per quarter ;
- Not exceeding half an inch two shillings per quarter ;
- Not exceeding three-quarters of an inch two shillings and sixpence per quarter ;
- Not exceeding one inch three shillings and sixpence per quarter ;
- Not exceeding an inch and a quarter four shillings per quarter ;
- Not exceeding an inch and a half five shillings per quarter ;
- Not exceeding two inches seven shillings and sixpence per quarter ;
- Not exceeding three inches ten shillings per quarter ;
- Not exceeding four inches twelve shillings and sixpence per quarter ;
- Not exceeding five inches fifteen shillings per quarter ;
- Not exceeding six inches seventeen shillings and sixpence per quarter ;
- Not exceeding eight inches twenty-five shillings per quarter.

578 **19. As to Breaking Up Ground for Maintaining Communication Pipes.** For the purpose of complying with any obligation under this Act to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of "The Waterworks Clauses Act, 1847" in relation to the laying of communication pipes.

20. Supply to Houses Partly Used for Trade, etc. The Board shall not be bound to afford a supply of water otherwise than by measure to any house or building whereof any part is used for any trade or manufacturing purpose for which water is used or to any common lodging-house barracks workhouse or other public institution or building.

Provided that where the Board decline to afford otherwise than by measure any such supply as aforesaid they shall if required by the person who but for the provisions of this section would have been entitled to demand such supply furnish to the building in respect of which the supply is required a sufficient supply of water upon and subject to the terms and conditions contained in the section of this Act relating to "Supply by measure" and subject to the next following proviso that is to say—

Provided that (except in the case of a supply by measure under this section to barracks or other buildings for the time being in the occupation of His Majesty or of any department of His Majesty's Government for public purposes) the Board may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by measure and the charges therefor.

For the purposes of this section the expression "public institution or building"

shall not include any hospital or sanatorium wholly or partly supported by endowments or voluntary contributions and not carried on for purposes of private profit or gain.

21. As to Supply for Hydraulic Power. The Board may from time to time if they so determine at the request of any person desiring a supply of water under pressure for the purpose of supplying motive power by hydraulic pressure for any purpose to which such power is or may be applicable enter into and carry into effect an agreement or agreements with any such person for affording him such a supply at such rates and charges and upon such terms and conditions as may from time to time be agreed upon.

24. Power to Supply by Agreement in Certain Cases. The Board may notwithstanding anything contained in this Act by agreement with any person or body desiring a supply of water for any purpose in any part of the limits of supply furnish such supply upon such terms and conditions as to payment and otherwise as may be agreed upon.

Provided that nothing in this section shall prejudice or affect the terms upon which any person or body is under the provisions of this Act entitled to require a supply of water for any purpose.

Provided also that the terms and conditions upon which a supply of water is given by the Board under this section shall be the same under like circumstances to all consumers.

25. Defining "Domestic Purposes." In and for the purposes of this Act the expression "domestic purposes" shall be deemed to include water closets and baths constructed or fitted so as not to be capable of containing when filled or filled up to the overflow or waste pipe (if any) more than eighty gallons but shall not include a supply of water for any of the following purposes (namely):—

- Steam gas motor and other like engines ;
- Railway purposes ;
- Ventilating purposes ;
- Working any machine or apparatus ;
- Consumption by or washing of horses or cattle ;
- Washing carriages or other vehicles ;
- Watering gardens by means of any outside tap or any hose tube pipe sprinkler or other like apparatus ;
- Fountains or any ornamental purposes ;
- Cleansing sewers and drains ;
- Cleansing and watering streets or roads ;
- Fire extinction ;
- Flushing drains by means of any apparatus discharging automatically ;
- Public pumps baths or washhouses ;
- Any trade manufacture or business ;
- Any bath constructed or fitted so as to be capable of containing when filled or filled up to the overflow or waste pipe (if any) more than eighty gallons.

26. (Owners of property let on less than quarterly tenancies to pay rates if Board so require.)

27. (Where owners in any case pay rates, Board may compound rates with owners, allowing an abatement of not exceeding one-fifth.)

29. Rate for Supply to Parks and Gardens. The rate for the supply by the Board of water for watering any of the parks or gardens situate within the limits of supply and maintained out of the public funds or rates and the roads in any such parks or gardens shall notwithstanding any other provision of this Act be the fixed rate of sixpence per thousand gallons.

30. Notice of Discontinuance. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board.

31. Supply for Public Purposes. The rate for the supply by the Board of water for the purposes mentioned in section 37 of "The Waterworks Clauses Act 1847" shall be the fixed rate of sixpence per thousand gallons and for the purposes of this section

the said section 37 shall be construed as extending to all such purposes as are therein mentioned whether the expenses in connection with such purposes be defrayed out of the poor rates or borough rates or out of any other public rate.

REFERENCES TO WATERWORKS CLAUSES ACT, 1847.

The sections of the Waterworks Clauses Act, 1847, which are referred to in the foregoing extracts—omitting section 70, which states that the first payment is to be made when water is supplied or the agreement signed, and does not affect building work—are as follows:—

37. Supply of Water to be kept for Cleansing Sewers, Drains, etc., and for other Public Purposes. In all the pipes to which any fire plug shall be fixed the undertakers shall provide and keep constantly laid on, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs, a sufficient supply of water for the following purposes; (that is to say,) for cleansing the sewers and drains, for cleansing and watering the streets, and for supplying any public pumps, baths, or washhouses that may be established for the free use of the inhabitants, or paid for out of any poor rates or borough rates levied within the limits of the special Act; and such supply shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed upon by the town commissioners and the undertakers, or, in case of disagreement, as shall be settled in England or Ireland by two justices, and in Scotland by the sheriff, until in either case an inspector shall have been appointed, and after the appointment of such inspector, by the inspector so appointed.

48. Power to Inhabitants to Lay Service Pipes, giving the Undertakers Notice of the Same. Any owner or occupier of any dwelling-house or part of a dwelling-house within the limits of the special Act who shall wish to have water from the waterworks of the undertakers brought into his premises, and who shall have paid or tendered to the undertakers the portion of water rate in respect of such premises by this or the special Act directed to be paid in advance, may open the ground between the pipes of the undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the undertakers, such pipes to be of a strength and material to be approved of by the undertakers, or, in case of dispute, to be settled in England or Ireland by two justices, and in Scotland by the sheriff, or in either case by the inspector to be appointed as aforesaid: provided always, that every such owner or occupier shall, before he begins to lay any such pipe, give to the undertakers fourteen days notice of his intention to do so.

49. Communication with the Pipes of the Undertakers to be made under the Superintendence of their Surveyor. As to the Settling of Disputes. Before any pipe is made to communicate with the pipes of the undertakers, the person intending to lay such pipe shall give two days notice to the undertakers of the day and hour when such pipe is intended to be made to communicate with the pipes of the undertakers; and every such pipe shall be so made to communicate under the superintendence and according to the directions of the surveyor or other officer appointed for that purpose by the undertakers, unless such surveyor or officer fail to attend at the time mentioned in the said notice; and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in England or Ireland be settled by two justices, and in Scotland by the sheriff, or in either case by the inspector to be appointed as aforesaid.

50. Bore of Service Pipes. The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed it shall not exceed half an inch, except with the consent of the undertakers.

51. Service Pipes may be Removed after giving Notice of the Same. Penalty on removing Pipes without Notice. Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given six days notice in writing to the undertakers of his intention so to do, and of the time of such proposed removal, and every such person

shall make compensation to the undertakers for any injury or damage to their pipes or works which may be caused by such removal ; and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall forfeit to the undertakers a sum not exceeding five pounds, over and above the damage which he may be found liable to pay in any action at law, at the suit of the undertakers, for the damage done to their pipes or works.

52. Power to Inhabitants to Break up Pavements, giving Notice of the Same.

Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the undertakers and his house, building, or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work : provided always, that every such owner or occupier desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restriction, and obligations in and during the time of breaking up the same, and also reinstating the same, and to the same penalties for any delay in regard thereto, as the undertakers are subject to by virtue of this or the special Act.

FACTORY AND WORKSHOP ACT, 1907.

(7 Edw. 7, c. 39.)

(*Extracts.*)

LAUNDRIES.

1. Application of 1 Edw. 7, c. 22, to Laundries. The Factory and Workshop Act, 1901 (which Act, as amended by any subsequent enactment, including this Act, is herein-after referred to as the principal Act), shall, subject to the provisions of this Act, apply to laundries as if at the end of Part II. of the Sixth Schedule to that Act, enumerating non-textile factories and workshops, the following paragraph were added :—

“(29.) Laundries carried on by way of trade or for the purpose of gain, or carried on as ancillary to another business or incidentally to the purposes of any public institution.”

3. Special Regulations to be Complied with in Laundries. In every laundry— 57

- (a.) If mechanical power is used, a fan or other efficient means shall be provided, maintained, and used for regulating the temperature in every ironing room, and for carrying away the steam in every washhouse ;
- (b.) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used ; and
- (c.) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the principal Act.

INSTITUTIONS.

5 (part of). Application of Factory and Workshop Acts to certain Institutions.

(1.) Where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any government department, any manual labour is exercised in or incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, the provisions of the principal Act shall, subject to the provisions of this Act, apply to those premises notwithstanding that the work carried on therein is not carried on by

way of trade or for the purposes of gain, or that the persons working therein are not working under a contract of service or apprenticeship.

(2.) If in any institution to which this section applies the persons having the control of the institution (herein-after referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force the principal Act shall apply to the institution subject to the following modifications:—

- (a.) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the principal Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the principal Act; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme shall, after the date of the resolution, be of no effect without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new scheme;
- (c.) The provisions of section one hundred and twenty-eight of the principal Act as to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act;
- (e.) The managers shall not later than the fifteenth day of January in each year send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds.

SUPPLEMENTAL.

7. Short Title, Construction, Commencement, and Repeal. (1.) This Act may be cited as the Factory and Workshop Act, 1907, and shall be construed as one with the Factory and Workshop Act, 1901, and the Factory and Workshop Act, 1901, and this Act may be cited together as the Factory and Workshop Acts, 1901 and 1907.

(2.) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3.) Section one hundred and three of the Factory and Workshop Act, 1901, is hereby repealed.

THE LONDON COUNTY COUNCIL (GENERAL POWERS)
ACT, 1908.

(8 EDW. 7, c. cvii.)

(*Extracts.*)

PART I.

INTRODUCTORY.

3 (part of). Interpretation of Terms. In this Act the following words and expressions have the several meanings hereby assigned to them unless there is something in the subject or context repugnant to such construction (that is to say) :—

“The Council” means the London County Council ;

“The County” means the administrative county of London ;

“The Corporation” means the mayor and commonalty and citizens of the City of London acting by the mayor aldermen and commons of the City of London in common council assembled ;

“Sanitary authority” means :—

- (a.) As respects the City of London and so much of the Port of London as established for the purposes of the laws relating to the customs of the United Kingdom as is within the county the corporation ;
- (b.) As respects the places known as the Inner Temple and the Middle Temple respectively the overseers of such places respectively and
- (c.) As respects any metropolitan borough (except as to any portion thereof which may be within the said portion of the Port of London) the council of such borough ;

“Owner” (except where used in Part III. of this Act) means the person for the time being receiving the rack-rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rack-rent ;

“Rack-rent” means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenants’ rates and taxes and the tithe commutation rent-charge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent ;

“Rag and bone dealer” means any person selling or buying for the purpose of re-sale or otherwise dealing in rags (other than tailors’ or dressmakers’ cuttings) bones rabbit-skins fat or other like articles ;

“Tenement house” means any house occupied by any person of the working class which is wholly or partially let in lodgings or which is occupied by members of more than one family ;

“Working class” has the same meaning as in the Schedule to “The Housing of the Working Classes Act 1903.”¹

PART II.

SANITARY PROVISIONS.

5. Power to Sanitary Authorities to remove from or refuse to enter on Register names of Dairymen in certain Circumstances. (1.) Notwithstanding anything contained in “The Dairies Cowsheds and Milkshops Order of 1885” or in any subsequent Order any sanitary authority may remove from the register kept by them of persons from time to time carrying on in their district the trade of cow-keepers dairymen or

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¹ See footnote on page 572.

purveyors of milk or may refuse to enter upon such register the name of any person carrying on or proposing to carry on the trade of a dairyman or purveyor of milk upon premises which are in the opinion of such sanitary authority for any reason unsuitable for the sale of milk therein. Provided that for the purposes of this section premises shall not be deemed to be unsuitable for the sale of milk therein on any ground inconsistent with the provisions or requirements of any Order or Regulation made under any enactment for the time being in force and applicable to such premises.

(2.) Any person who thinks himself aggrieved by any decision of a sanitary authority under the provisions of this section may at any time within twenty-one days from the date of such decision appeal against the same to a court of summary jurisdiction and if on any such appeal it shall appear to the court that the premises of the person appealing are in all respects suitable for the sale of milk therein the court may make an order requiring such authority to enter upon or restore in the register the name of such person.

54 **7. As to Accommodation for Cooking of Food in Tenement Houses.** If at any time it appears to any sanitary authority that in any tenement house within their district sufficient and suitable accommodation for the cooking of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings in the separate occupation of such family such sanitary authority may cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with any such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provided that this section shall not apply to any tenement house used or occupied as such before the passing of this Act.

57 **8. Sanitary Regulations for Premises used for Sale, etc., of Food for Human Consumption.** (1.) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the county in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale :—

- (a.) No urinal water-closet earth closet privy ashpit or other like sanitary convenience shall be within such room shop or other part of a building or shall communicate therewith except through the open air or through an intervening ventilated space.
 - (b.) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience.
 - (c.) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of a building.
 - (d.) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space.
 - (e.) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business.
 - (f.) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.
- (2.) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention

of this section he shall be liable on summary conviction to a fine not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

9. Power to Council and Corporation to make By-laws with respect to certain 50

Businesses. (1.) The Council may make by-laws for regulating the conduct within the county (elsewhere than in the City of London and so much of the Port of London as established for the purposes of the laws relating to the customs of the United Kingdom as is within the county) of the businesses of a vendor of fried fish a fish-curer and a rag and bone dealer or any of them and with respect to the premises in or upon which any such business is carried on and the apparatus utensils and appliances used for the purposes of or in connection with any such business.

(2.) The provisions of section 114 (By-laws) of the Public Health (London) Act 1891 shall apply to all by-laws made by the Council under this section. 442

(3.) The Corporation may make and enforce by-laws for regulating the conduct within the City of London of any such business as aforesaid and with respect to the premises in or upon which any such business is carried on and the apparatus utensils and appliances used for the purposes of or in connection with any such business.

(4.) The following sections of "The City of London (Public Health) Act 1902" shall extend and apply to and with respect to by-laws made under the last preceding sub-section of this section (that is to say):— 556

Section 7 (By-laws to be allowed by Local Government Board).

Section 8 (Penalties in by-laws).

Section 9 (Printing and sale of by-laws).

Section 10 (Proof of by-laws).

Section 11 (Recovery of Penalties).

Section 12 (Appeal to Quarter Sessions).

(5.) Notwithstanding anything contained in the said section 114 of the Public Health (London) Act 1891 or in the said section 7 of the City of London (Public Health) Act 1902 or in section 184 (Confirmation of Bye-Laws) of the Public Health Act 1875 applied by the said sections respectively all by-laws made by the Council or the Corporation (as the case may be) under this section shall as regards any business carried on in any factory or workshop to which the Factory and Workshop Act 1901 applies require confirmation as if the Secretary of State were named in the said sections in addition to the Local Government Board.

(6.) Nothing in this section or in any by-law made thereunder shall be construed as imposing upon any person any obligation to alter any premises which are at the passing of this Act used for the business of a vendor of fried fish or of a fish curer or any fittings or apparatus in any such premises or to place or provide in any such premises any new fittings or apparatus. Provided that if at any time after the passing of this Act any alteration of any such premises or of any fittings or apparatus therein shall be effected or if any new fittings or apparatus shall be placed or provided therein such alteration shall be carried out and such new fittings and apparatus shall be placed and provided in conformity with the requirements of any such by-law as aforesaid for the time being in force.

10. Enforcement of this Part of Act and By-laws. Subject to the provisions of this Act it shall be the duty of each sanitary authority to enforce within their district the provisions of this Part of this Act and all by-laws made by the Council thereunder and for that purpose the sanitary authorities shall have all the rights and powers and be subject to all the liabilities and obligations conferred or imposed upon them by sections 101, 117, 118, 121, 124, 125, 126, 127, 128, 133 and 135 of "The Public Health (London) Act 1891" and subject as aforesaid those sections shall apply and have effect in respect of this Part of this Act as if they were expressly re-enacted in and in terms made applicable to this Part of this Act.

12. Power to Sanitary Authorities etc. to Enter. Any sanitary authority or any officer or person duly authorized by them in that behalf shall have the right to enter at all reasonable times any house building or premises in the district of such sanitary authority for the purpose of examining whether there is any contravention of

the provisions of this Part of this Act or of any by-law made thereunder or any non-compliance with the requirements of any notice given thereunder respectively.

13. Power to Owner to Enter Notwithstanding Provisions of Lease. For the purpose of complying with any of the provisions of this Part of this Act or of any by-law made thereunder or with the requirements of any notice given under any such provision it shall be lawful for the owner of any house building or premises not being the occupier thereof notwithstanding anything to the contrary contained in any lease underlease or agreement of or relating to such house building or premises or any part thereof to enter such house building or premises or any part thereof and carry out all such works and do all such things as may be necessary to comply with any such provision or requirement and if the occupier of such house building or premises or part thereof suffers damage by reason of the negligent or improper execution of such works or of anything negligently or improperly done by the owner under the powers of this section such occupier may apply to the petty sessional court having jurisdiction within the district in which the house building or premises is or are situate and the court may after hearing the owner or (if after being duly summoned he shall fail to appear) in his default make such order for compensation to be paid by the owner as the court may deem just and equitable.

PART III.

AMENDMENT OF LONDON BUILDING ACT 1894.

15. Interpretation and Effect of this Part of Act. Words and expressions used in this Part of this Act shall unless the context otherwise requires bear the meanings assigned to them in "The London Building Act 1894" (in this Part of this Act referred to as "the principal Act") and any references in the principal Act or any existing Act amending the same to Part VI. of the principal Act or any of the provisions of that Part shall be construed as referring to such Part or provisions as amended by this Part of this Act and the principal Act the London Building Act 1894 (Amendment) Act 1898 the London Building Acts (Amendment) Act 1905 and this Part of this Act may be cited together as "the London Building Acts 1894 to 1908."

479 **16. Repeal of Sections 75 76 and 77 of Principal Act.** Sections 75 (Cubical extent of buildings) 76 (Consent to larger dimensions) and 77 (Rules as to uniting buildings) of the principal Act are hereby repealed and from and after the passing of this Act the principal Act shall be read and have effect as if the following provisions of this Part of this Act had been inserted in the principal Act instead of the said sections 75 76 and 77.

132 **17. Cubical Extent of Buildings.** (1.) Except as in this section provided no building of the warehouse class and no building or part of a building used for any trade or manufacture shall extend to more than two hundred and fifty thousand cubic feet unless divided by division walls in such manner that no division of such building or part of a building (as the case may be) shall extend to more than two hundred and fifty thousand cubic feet and no addition shall be made to any such building part of a building or division so that the cubical extent of such building part of a building or division shall exceed two hundred and fifty thousand cubic feet.

(2.) Where the Council are satisfied on the report of the superintending architect and of the chief officer of the fire brigade that additional cubical extent is necessary for any such building part of a building or division as aforesaid and are satisfied that proper arrangements have been or will be made and maintained for lessening so far as reasonably practicable danger from fire the Council may consent to such building part of a building or division containing additional cubical extent but such consent shall continue in force only while such building part of a building or division is actually used for the purposes of the trade or manufacture (if any) in respect of which the consent was granted.

(3.) The Council may in any case in which they think fit so to do consent to any such building or part of a building as aforesaid being divided (wholly or in part) horizontally

by floors to be constructed in such manner and of such materials and in all other respects as the Council may require or approve and in such case such floors shall for the purposes of this section be deemed to be division walls.

(4.) The provisions of this section shall not apply to any building which being at a greater distance than two miles from Saint Paul's Cathedral is used wholly for the manufacture of the machinery and boilers of steam vessels or for a retort house or for the manufacture of gas or for generating electricity provided that such building consist of one floor only and be constructed of brick stone iron or other incombustible material throughout and be not used for any purpose other than such as are specified in this subsection and every such building shall for the purposes of the provisions of the principal Act with respect to special buildings be deemed a building to which the general provisions of Part VI. of the principal Act are inapplicable. 132

18. Rules as to Uniting Buildings. (1.) Buildings shall not without the consent of the Council be united unless (A) they are wholly in one occupation and (B) when so united and considered as one building they would be in conformity with the principal Act as amended by this Part of this Act and with this Part of this Act. 121

(2.) An opening shall not be made in any division wall separating divisions of a building of the warehouse class or used for any trade or manufacture or in any party wall or in two external walls separating buildings in any case in which such divisions or buildings (as the case may be) if taken together would extend to more than two hundred and fifty thousand cubic feet except under the following conditions :—

(a.) Such opening shall have the floor jambs and head formed of brick stone iron or other incombustible materials and be closed by two wrought iron doors sliding doors or shutters each not less than one fourth of an inch thick in the panel at a distance from each other of the full thickness of the wall fitted to grooved or rebated iron frames without woodwork of any kind and all such doors sliding doors and shutters shall be fitted with sufficient and proper bolts or other fastenings and be capable of being opened from either side and shall have on each face thereof styles and rails at least four inches wide and one fourth of an inch thick and shall be constructed fitted and maintained in an efficient condition Provided that in lieu of being constructed and fitted as aforesaid such doors sliding doors and shutters may be constructed of any such fire-resisting materials and be fitted in any such manner as may be approved by the Council.

(b.) Such opening shall not exceed in width seven feet or in height eight feet and the width of such opening in any wall of a storey (or if there be more than one such opening in any such wall the width of all such openings taken together) shall not exceed one half of the length of such wall Provided that any such opening may be nine feet six inches in height in a wall of which the thickness is not less than twenty-four inches or if the doors sliding doors or shutters closing such opening are placed at a distance of not less than twenty-four inches from each other Provided also that the Council may consent to any such opening being of such greater height or width as they may think fit.

(3.) Whenever any buildings which have been united cease to be in one occupation the owner thereof or if the buildings are the property of different owners then each of such owners shall forthwith give notice of such change of occupation to the district surveyor and shall cause all openings uniting the same in any party wall or in any external wall to be stopped up (unless the Council consent to such openings or any of them being retained) with brick or stone work not less than thirteen inches in thickness (except in the case of a wall eight and a half inches in thickness in which case eight and a half inches shall be sufficient) and properly bonded with such wall and any timber placed in the wall and not in conformity with the principal Act shall be removed and if notice be not given to the district surveyor pursuant to this section such owner or each of such owners shall upon conviction in a summary manner be liable to a penalty not exceeding five pounds. 122

(4.) Buildings shall be deemed to be united when any opening is made in the

party wall or the external walls separating such buildings or when such buildings are so connected that there is access from one building to the other without passing into the open air.

(5.) The provisions of this section shall extend and apply (a) to all openings at any time after the passing of this Act made or proposed to be made in any party wall or two external walls or in any division wall notwithstanding the existence in any such wall of an opening uniting buildings or affording communication between divisions of a building (as the case may be) and (b) to such buildings as if they had not previously been united.

132 **19. Division Walls to be subject to Provisions of Principal Act relating to Party Walls.** The provisions of the principal Act with respect to party walls shall extend and apply to such division walls as are referred to in this Part of this Act Provided that in the case of any such division wall the Council may if they think fit consent to such departure as they may consider expedient from such of the said provisions as are contained in Part VI. of and the First Schedule to the principal Act.

20. Copy of Plans and Particulars approved by Council to be furnished to District Surveyor. A copy of any plans and particulars approved by the Council under this Part of this Act shall be furnished by the Council to the district surveyor within whose district the building to which such plans and particulars relate is situate.

21. Penalty for Failure to Comply with Conditions. Any person failing to comply with any term or condition imposed by the Council in giving any consent under this Part of this Act or failing to maintain in an efficient condition any doors sliding doors shutters styles or rails or bolts or other fastenings as required under this Part of this Act shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding the like amount.

22. Extending Exemption of Government Buildings. Section 202 (Exemption of Government Buildings) of the principal Act shall be read and construed as if the exemptions thereby conferred extended also to the provisions of the London Building Acts (Amendment) Act 1905.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1909.

(9 EDW. 7, c. CXXX.)

(*Extracts.*)

PART I.

INTRODUCTORY.

3 (part of). Interpretation. In this Act unless there be in the subject or context something repugnant thereto or inconsistent therewith—

(1.) The following words and expressions have the several meanings hereby assigned to them (that is to say):—

“Sanitary authority” means—

(A) As respects the city of London the corporation;

(B) As respects the places known as the Inner Temple and the Middle Temple respectively the overseers of such places respectively; and

(C) As respects any metropolitan borough the council of such borough;

“Owner” (where used in Part III. of this Act) means the person for the time being receiving the rackrent of the premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rackrent;

“Rackrent” means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenants’ rates and taxes and the tithe commutation rentcharge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent ;

“Tenement house” means any house occupied by any person of the working class which is wholly or partially let in lodgings or which is occupied by members of more than one family ;

“Working class” has the same meaning as in the schedule to the Housing of the Working Classes Act 1903 :¹

PART III.

ACCOMMODATION FOR STORAGE OF FOOD.

16. As to Accommodation for Storage of Food in Tenement Houses. If at any time it appears to any sanitary authority that in any tenement house within their district sufficient and suitable accommodation for the storage of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings in the separate occupation of such family the sanitary authority may if the provision of such accommodation is practicable cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

55

Provided that this section shall not apply to any tenement house used or occupied as such before the passing of this Act.

18. Power to Sanitary Authorities &c. to Enter. Any sanitary authority or any officer or person duly authorized by them in that behalf shall have the right to enter at all reasonable times any tenement house in the district of such sanitary authority for the purpose of ascertaining the accommodation (if any) provided for the storage of food in such house or of ascertaining whether there is any contravention of the provisions of this Part of this Act or any non-compliance with the requirements of any notice given thereunder.

19. Power to Owner to Enter notwithstanding Provisions of Lease. For the purpose of complying with any of the provisions of this Part of this Act or with the requirements of any notice given under any such provision it shall be lawful for the owner of any tenement house not being the occupier thereof notwithstanding anything to the contrary contained in any lease underlease or agreement of or relating to such house or any part thereof to enter such house or any part thereof and carry out all such works and do all such things as may be necessary to comply with any such provision or requirement and if the occupier of such house or part thereof suffers damage by reason of the negligent or improper execution of such works or of anything negligently or improperly done by the owner under the powers of this section such occupier may apply to the petty sessional court having jurisdiction within the district in which such house is situate and the court may after hearing the owner or (if after being duly summoned he shall fail to appear) in his default make such order for compensation to be paid by the owner as the court may deem just and equitable.

¹ See footnote on page 572.

PART IV.

AMENDMENT OF LONDON BUILDING ACTS.

20. Definition of "Principal Acts." In this Part of this Act the expression "the principal Acts" means the London Building Acts 1894 to 1908.

21. Interpretation and Effect of this Part of Act. Words and expressions used in this Part of this Act shall unless the context otherwise requires bear the meanings assigned to them in the principal Acts and those Acts and this Part of this Act may be cited together as the London Building Acts 1894 to 1909.

150 For the purposes of this Part of this Act the expression "pillar" shall unless otherwise stated mean a metal pillar and shall include all columns and stanchions or an assemblage of columns or stanchions properly riveted or bolted together and the expression "girder" shall mean a metal girder or joist and the expression "Tribunal of
595 Appeal" means the Tribunal of Appeal as constituted by this Part of this Act.

22. Provisions with respect to Buildings of Iron and Steel Skeleton Construction.
149 Notwithstanding anything contained in the principal Acts requiring buildings to be enclosed with walls of the thicknesses and of the materials therein respectively described it shall be lawful to erect subject to the provisions of this section buildings wherein the loads and stresses are transmitted through each storey to the foundations by a skeleton framework of metal or partly by a skeleton framework of metal and partly by a party wall or party walls but buildings so erected shall (subject to any exemptions contained in the principal Acts or any of them) be subject to and comply with all such provisions of the principal Acts or any of them and any byelaws in force thereunder as may not be inconsistent with or contrary to the provisions of this section. The following are the provisions which shall apply in respect of the construction of the skeleton framework and the foundations walls floors staircases and other parts of the structure of such buildings :—

- 152 (1.) All rolled steel used in such construction shall comply with the British standard specification for structural steel for bridges and general building construction from time to time in operation and every pillar or girder shall be of iron or steel or any other structural metal which may hereafter be standardised by the Engineering Standards Committee :
- 150 (2.) The skeleton framework of a building together with the party wall or party walls (if any) upon which such framework bears shall be capable of safely and independently sustaining the whole dead load and the superimposed load bearing upon such framework and party wall or party walls :
- 157 (3.) All pillars in the external walls of a building shall be completely enclosed and protected from the action of fire by a casing of brickwork terra-cotta concrete stone tiles or other incombustible materials at least four inches thick the whole being properly bonded or secured together :
- (4.) All girders in the external walls of a building shall be similarly enclosed and encased with brickwork terra-cotta concrete stone tiles or other incombustible materials at least four inches thick properly tied and bonded or secured to the adjoining work but the casing on the underside of such girders and to the edges of the flanges thereof and plates and angles connected therewith may be of any thickness not less than two inches :
- (5.) All pillars and girders (other than pillars and girders in the external walls of a building) shall be protected from the action of fire by being encased to the satisfaction of the district surveyor and to a thickness of not less than two inches in brickwork terra-cotta concrete metal lathing and plaster or cement but the casing on the upper surface of the upper flange of all girders and on the lower surface of all subsidiary joists may be of any thickness not less than one inch. Wood firrings shall not be used in connection with any such casing. Provided that this subsection shall not apply in the case of buildings of only one storey and not more than twenty-five feet in height :
- 157 (6.) Every girder shall be secured against buckling whenever the length of the girder exceeds thirty times the width of the compression flange and the web

of every girder shall be secured against buckling in every case in which the depth of the web exceeds sixty times the thickness thereof :

- (7.) The span of a girder shall not exceed twenty-four times the depth of the girder unless the calculated deflection of such girder is less than one four-hundredth part of the span :
- (8.) Wherever two or more girders are arranged alongside and closely adjacent to one another and are intended to act together they shall be fixed together by means of iron separators and bolts or by riveted plates or in any other equally efficient manner approved by the district surveyor. Separators or plates or other members acting as separators shall not be placed at a distance apart exceeding five times the depth of the girders to which they are attached and shall also be placed immediately over all supports and immediately under or at all concentrated loads :
- (9.) All girders for supporting external walls shall be placed at the floor level of a storey or at a distance of not more than five feet above or below such floor level :
- (10.) Rivets shall be used in all cases where reasonably practicable but where bolts are used they shall extend through the full thickness of the nuts attached thereto and the nuts shall in all cases be so secured as to avoid risk of their becoming loose. The distance from the edge of a rivet hole or bolt hole to the edge of the plate bar or member shall not be less than the diameter of the rivet or bolt. Rivets shall be so placed that their centres shall not be closer together than three times the diameter of the rivets. The pitch of rivets shall be measured in a continuous straight line and such straight line pitch in girders pillars and roofwork shall not exceed sixteen times the thickness of the thinnest plate bar or member through which they pass :
- (11.)—(A.) An external wall may be of any thickness not less than eight and a half inches for the topmost twenty feet of its height and thirteen inches for the remainder of its height below such topmost twenty feet. Provided that a less thickness shall be allowed in any case in which under the London Building Act 1894 such less thickness is prescribed but that nothing in this subsection shall override any of the requirements of this section in regard to the thickness of casing in connexion with pillars and girders and that in any case in which an external wall or portion of an external wall is not supported or carried or secured by metal framework within the limits of height and length prescribed by the First Schedule to the London Building Act 1894 for the purpose of determining the thickness of walls such external wall or portion of external wall shall be of a thickness not less than that prescribed by such schedule :
- (B.) All party walls shall be of the thicknesses prescribed by the principal Acts : 150
- (C.) All brickwork and work in which terra-cotta concrete stone tiles or other similar materials are used shall be executed in Portland cement mortar and shall be bedded close up to the metal framework without any intervening cavity and all joints shall be made full and solid. The cement so used shall be in accordance with the British standard specification from time to time in operation. Provided that in party walls (exclusive of any parts thereof immediately surrounding metal framework) or other internal brickwork not constructed to carry loads or stresses provided for under this section lime mortar may be used in accordance with the provisions of the principal Acts and any byelaws in force thereunder : 152
- (12.)—(A.) No plate or bar in any steel or wrought iron pillar shall in any part be less than a quarter of an inch thick and the bases of all such pillars shall be at right angles to the axis : 156
- (B.) All joints in such pillars shall be close butted with cover-plates properly riveted and all joints between such pillars shall be properly fixed and made and unless unavoidable no joint shall be made between such pillars except at or as near as may be reasonably practicable to the level of a girder properly secured to such pillars :

(c.) The foot of every such pillar shall have a proper base-plate riveted thereto with sufficient gusset pieces to distribute properly the load on the foundations and the gusset pieces shall have sufficient rivets to transmit the whole of the load on to the base-plates :

(d.) Where any such pillars are built up hollow the cavities shall either be filled up with concrete or be covered in at both ends by metal plates riveted thereto :

156 (13.)—(A.) The width of every cast-iron pillar shall be not less than five inches and the metal of which such pillar is composed shall not be in any part of less thickness than three-quarters of an inch or one-twelfth of the least width of such pillar (whichever shall be the greater) :

(B.) The cap and base of every such pillar shall be in one piece with the pillar or be connected thereto with a properly turned and bored joint sufficiently fixed :

(c.) The ends of all such pillars shall be at right angles to the axis :

(d.) All joints between such pillars shall be at or as near as may be reasonably practicable to the level of a girder properly secured to such pillars and shall be fixed and made with not fewer than four bolts of not less diameter than the least thickness of metal in the pillar. If more than four bolts are used the diameter of the bolts may be reduced proportionately but no bolt shall be less than three-quarters of an inch in diameter :

(E.) The base of every such pillar shall have such area as may be necessary to distribute properly the load on the foundations :

(14.) The base of every pillar shall be properly bedded so as to transmit uniformly the load upon such pillar to the foundations :

(15.) The stress in any metal interposed between the ends of a superimposed pillar and a pillar beneath shall not exceed the stress on the superimposed pillar and the least width across such interposed metal shall not be less than the least width of the superimposed pillar :

158 (16.) All floors and staircases (together with their enclosing walls) shall be constructed throughout of fire-resisting materials and be carried upon supports of fire-resisting materials :

157 (17.) All structural metalwork comprised in the skeleton framework of a building shall be cleaned of all scale dust and loose rust and be thoroughly coated with one coat of boiled oil tar or paint before erection and after erection shall receive at least one additional coat. Where such metalwork is to be embedded or encased in brickwork terra-cotta concrete stone tiles or other incombustible materials one coat of Portland cement wash of adequate consistency applied after erection may be used in lieu of coats of oil tar or paint :

150 (18.)—(A.) The dead load of a building shall consist of the actual weight of walls floors roofs partitions and all other permanent construction comprised in such building :

(B.) The superimposed load in respect of a building shall consist of all loads other than the dead load :

(c.) For the purpose of calculating the loads on foundations pillars (including brick pillars) piers walls framework girders and other constructions carrying loads in buildings the superimposed load on each floor and on the roof shall be estimated as equivalent to the following dead load :—

For a floor intended to be used wholly or principally for the purposes of human habitation or for domestic purposes seventy pounds per square foot of floor area ;

For a floor intended to be used wholly or principally for the purpose of an office or a counting-house or for any similar purpose one hundred pounds per square foot of floor area ;

For a floor intended to be used wholly or principally for the purpose of a workshop or retail shop one hundred and twelve pounds per square foot of floor area ;

For every floor in a building of the warehouse class not intended to be used wholly or principally for any of the purposes aforesaid not less than two hundred and twenty-four pounds per square foot of floor area. In every building of the warehouse class a notice shall be exhibited in a conspicuous place on each storey of such building stating the maximum superimposed load per square foot which may be carried on the floor of such storey ;

For a roof the plane of which inclines upwards at a greater angle than twenty degrees with the horizontal the superimposed load (which shall for this purpose be deemed to include wind pressure) shall be estimated at twenty-eight pounds per square foot of sloping surface ; 151

For all other roofs the superimposed load shall be estimated at fifty-six pounds per square foot measured on a horizontal plane :

Provided that if the superimposed load on any floor or roof is to exceed that herein-before specified for such floor or roof such greater load shall be provided for pursuant to subsection (2.) of this section :

Provided also that in the case of any floor intended to be used for a purpose for which a superimposed load is not specified in this subsection the superimposed load to be carried on such floor shall be provided for pursuant to the said subsection (2.) :

- (19.) For the purpose of calculating the total load to be carried on foundations pillars (including brick pillars) piers and walls in buildings of more than two storeys in height the superimposed loads for the roof and topmost storey shall be calculated in full in accordance with the last preceding subsection of this section but for the lower storeys a reduction of the superimposed loads shall be allowed as follows :— 150

For the storey next below the topmost storey a reduction of five per centum of the full superimposed load for such next storey calculated as aforesaid ;

For the next succeeding lower storey a reduction of ten per centum of the full superimposed load for such storey calculated as aforesaid and for each succeeding lower storey a further reduction of five per centum of the full superimposed load for each such storey calculated as aforesaid. Provided always that the total reduction in respect of any storey shall not exceed fifty per centum of the full superimposed load for such storey ;

No such reduction as aforesaid shall be allowed in the case of a building of the warehouse class :

- (20.) All buildings shall be so designed as to resist safely a wind pressure in any horizontal direction of not less than thirty pounds per square foot of the upper two-thirds of the surface of such buildings exposed to wind pressure : 151

- (21.)—(A.) The working stresses on pillars of cast iron or mild steel due to the loads thereon (other than stresses induced by wind pressure) shall not exceed those specified in the two next following tables according to the several ratios therein specified or a proportionate load for intermediate or other ratios :— 154

CAST-IRON PILLARS.

Ratio of Length to least Radius of Gyration.	Working Stresses in Tons per Square Inch of Net Section.		
	Hinged Ends.	One End hinged and one End fixed.	Both Ends fixed.
20	3.5	4.0	4.5
30	3.0	3.5	4.0
40	2.5	3.0	3.5
50	2.0	2.5	3.0
60	1.5	2.0	2.5
70	1.0	1.5	2.0
80	.5	1.0	1.5

MILD STEEL PILLARS.

Ratio of Length to least Radius of Gyration.	Working Stresses in Tons per Square Inch of Section.		
	Hinged Ends.	One End hinged and one End fixed.	Both Ends fixed.
20	4.0	5.0	6.0
40	3.5	4.5	5.5
60	3.0	4.0	5.0
80	2.5	3.5	4.5
100	2.0	3.0	4.0
120	1.0	2.5	3.5
140	0.0	2.0	3.0
160		1.0	2.5
180		0.0	1.5
200			0.5
210			0.0

(B.) The working stresses on wrought-iron pillars due to the loads thereon (other than stresses induced by wind pressure) shall not exceed two-thirds of the stresses herein-before specified with respect to mild steel pillars :

155

(c.) Any such pillar eccentrically loaded shall have the stresses caused by such eccentricity computed and the combined stresses resulting from such eccentricity at any part of such pillar when added to all other stresses at that part shall in no case exceed the working stresses specified in this subsection :

156

Provided that working stresses exceeding those specified in paragraphs (A.) (B.) and (c.) of this subsection by not more than twenty-five per centum may be allowed in cases in which such excess is due to stresses induced by wind pressure :

(D.) The eccentric load of a pillar shall be considered to be distributed uniformly over the area of the cross section of such pillar at the next lower level at which such pillar is fixed and secured in the direction of eccentricity :

152

(22.) The working stresses of iron and steel (except in the case of pillars as herein-before provided) shall not exceed the following :—

	Working Stresses in Tons per Square Inch.			
	Tension.	Compression.	Shearing.	Bearing.
Cast iron . . .	1.5	8	1.5	10
Wrought iron . . .	5	5	4	7
Mild steel . . .	7.5	7.5	5.5	11

153

(23.) In the case of any rivet used in double shear the working shear on such rivet shall not exceed one and three-quarter times the working shear allowed under this section on a like rivet when used in single shear :

153

(24.) The pressures of foundations on the natural ground shall not exceed the following :—

	Tons per Square Foot.
Natural bed of soft clay or wet or loose sand	1
Natural bed of ordinary clay or confined sand	2
Natural bed of compact gravel London blue clay or chalk .	4

- (25.) The pressure on concrete foundations shall not exceed twelve tons per square foot : 153
- (26.) No disengaged brick pillar shall have a height without proper lateral supports of more than six times its least width but any such pillar with proper lateral supports may have a height between such supports not more than twelve times the least width of such pillar Such width shall in no case be less than thirteen-and-a-half inches : 152
- (27.) The pressure on any brickwork shall not exceed the following :— 153

	Tons per Square Foot.
Blue brick in cement mortar	12
Hard brick (including London stock) in cement mortar	8
Ordinary brick in cement mortar	5

- (28.) The Council may prescribe the materials and the proportions of the materials to be used in any concrete provided under the provisions of this section to which the provisions of the principal Acts or any of them or any byelaws in force thereunder do not apply : 152
- (29.) It shall be lawful to make any addition to or alteration of or to do other work to in or upon a building in accordance with the provisions of this section provided that the loads and stresses in the part of a building so added or altered or to in or upon which such other work is done are transmitted from the roof to the foundations by a skeleton framework of metal or partly by a skeleton framework of metal and partly by a party wall or party walls and the provisions of this section shall in all respects apply to such part of a building as if the same were a separate building : 159
- (30.) Any structural metal hereafter standardised by the Engineering Standards Committee as before mentioned shall be used in the erection of buildings or additions alterations or other work made or done under the provisions of this section only subject to such terms and conditions as the Council may think fit to attach either generally or in any particular case to the use of such metal but any person dissatisfied with any term or condition attached by the Council may appeal to the Tribunal of Appeal Any person failing to comply with any such term or condition attached by the Council or (in the event of appeal) by the Tribunal of Appeal shall be liable to a penalty to be recoverable in a summary manner not exceeding twenty pounds and to a daily penalty not exceeding the like amount : 152
- (31.) In the case of the erection of a new building of metal skeleton framework or the making of any addition or alteration or the carrying out of other work under the provisions of this section the notice required to be served on the district surveyor under section 145 of the London Building Act 1894 shall be accompanied (A.) in the case of a new building by plans and sections of sufficient detail to show the construction thereof together with a copy of the calculations of the loads and stresses to be provided for and particulars of the materials to be used and should such plans sections calculations or particulars be in the opinion of the district surveyor not in sufficient detail the person depositing the same shall furnish the district surveyor with such further plans sections calculations or particulars as he may reasonably require and (B.) in the case of an alteration or addition or other work as aforesaid by such plans sections calculations and particulars as the district surveyor may reasonably require : 159 499
- (32.) The district surveyor may for the purpose of due supervision of the construction of a building require to be furnished with reasonable proof as to the quality of metal to be used in such construction and may if not furnished with such proof or for any other reason require the builder or other person 160

causing or directing the work to be executed to make any tests which the district surveyor may consider necessary and to drill any pillar (in all cases if reasonably practicable before the same is encased) at any point to ascertain its thickness :

- 159 (33.) Any person dissatisfied with any requirement of the district surveyor under this section may within fourteen days of the date of the service of a notice from the district surveyor of such requirement appeal to a petty sessional court who may make an order affirming such requirement or otherwise and every builder or other person failing to comply with any such order shall be liable to a penalty (to be recoverable in a summary manner) not exceeding twenty pounds a day during every day of the continuance of the non-compliance with such order :
- 161 (34.) In order to facilitate the erection of buildings of metal skeleton framework it shall be lawful for the Council to modify or waive any of the requirements of subsections (3.) (4.) (5.) (8.) (9.) (11.) (12.) (B.) (17.) (20.) (24.) and (26.) of this section upon and subject to such terms and conditions as they may think fit and any person dissatisfied with the refusal of the Council to modify or waive any of such requirements or with any term or condition which the Council may attach to any modification or waiver may appeal to the Tribunal of Appeal. Any person failing to comply with any term or condition attached by the Council or (in the event of appeal) by the Tribunal of Appeal to such modification or waiver shall be liable to a penalty to be recoverable in a summary manner not exceeding twenty pounds and to a daily penalty not exceeding the like amount :
- (35.) If the Council within the period of one month or in the event of such period of one month commencing or expiring on any day between the eighth day of August and the fourteenth day of September (both inclusive) then within a period of two months after the receipt of a written application for the modification or waiver of any of the requirements of this section which the Council are empowered to waive or modify fail to give notice to the applicant of their refusal or grant thereof the Council shall be deemed to have granted such application.

162 **23. Power to Make Regulations as to Use of Reinforced Concrete.** (1.) The Council may make regulations with respect to the construction of buildings wholly or partly of reinforced concrete and with respect to the use and composition of reinforced concrete in such construction and for the purpose of framing such regulations may carry out such investigations and make such tests as they may deem necessary and the provisions of this section and of any such regulations shall (subject to any exemptions contained in the principal Acts or any of them) have effect notwithstanding any provisions of the said Acts or any of them or any byelaw in force thereunder which may be inconsistent therewith or contrary thereto.

(2.) Subject to such regulations as aforesaid buildings may be constructed wholly or partly of reinforced concrete but except as provided by this section or by such regulations buildings so constructed shall (subject to any exemptions contained in the principal Acts or any of them) be subject to and comply with all such provisions of the said Acts or any of them and of any byelaws in force thereunder as may not be inconsistent with or contrary to the provisions of this section or any regulations in force thereunder.

(3.) No such regulations shall have any force or effect unless or until they shall have been submitted to and confirmed at a meeting of the Council subsequent to that at which the regulations shall have been made nor shall any such regulations have any force or effect until the same shall have been allowed by the Local Government Board.

(4.) The Council shall give to the Surveyors' Institution the Institution of Civil Engineers the Royal Institute of British Architects and the Concrete Institute notice of their intention to apply to the Local Government Board for allowance of any regulations made under this section.

(5.) All regulations made and confirmed and allowed as aforesaid shall be published in the London Gazette and printed and hung up at the county hall and be open to public inspection without payment and copies thereof shall be delivered to any person applying for the same on payment of such sum not exceeding twopence as the Council shall direct and such regulations when so published shall come into operation upon a date to be fixed by the Local Government Board in allowing the regulations and the production of a printed copy of such regulations authenticated by the seal of the Council shall be evidence of the existence and of the due making allowance and publication of such regulations in all prosecutions or other proceedings under the same without adducing proof of such seal or of the fact of such making confirmation allowance or publication of such regulations.

24. This Part of Act and Regulations to Form Part of Part VI. of London Building Act 1894. The foregoing provisions of this Part of this Act and any regulations in force thereunder shall be deemed to form part of Part VI. of the London Building Act 1894 and this Part of this Act and any references in the principal Acts to the said Act of 1894 or any Part thereof shall be construed accordingly. 471

25. Tribunal of Appeal etc. (1.) For the purposes of this Part of this Act the Tribunal of Appeal shall consist of the three members of the Tribunal of Appeal from time to time appointed under section 175 of the London Building Act 1894 and of one member appointed by the Council of the Institution of Civil Engineers. 505

(2.) In the event of there being an equality of votes on the Tribunal of Appeal on any matter arising under this Part of this Act the member acting as the chairman of such Tribunal for the time being shall have a second or casting vote.

(3.) Regulations made or to be made under section 184 of the London Building Act 1894 shall apply to appeals under this Part of this Act to the Tribunal of Appeal. 676

(4.) Subject to the provisions of this section the provisions of section 156 and sections 175 to 186 (inclusive) of the London Building Act 1894 shall apply to the Tribunal of Appeal and appeals thereto under this Part of this Act as if the Tribunal of Appeal referred to in those sections were the Tribunal of Appeal constituted by this Part of this Act.

26. Increased Fee to District Surveyor in Certain Cases. (1.) Where under the provisions of this Part of this Act or any regulations in force thereunder any building is erected or any addition or alteration or other work is made or done to or on any building the district surveyor shall be entitled with regard to such building addition alteration or other work to a fee equal to two and a half times the amount of the fee specified with regard to new buildings in Part I. of the Third Schedule to the London Building Act 1894 calculated as follows :— 160

NEW BUILDINGS.

Upon the area and height of the building as specified in the said Part I. of the said Third Schedule.

ADDITIONS.

Upon the area and height of the addition (including therein such portion of the building as may be structurally affected by any alteration or other work necessitated by or involved in the making of the addition) as if such addition had been a new building of the same area and height.

ALTERATIONS AND OTHER WORKS.

Upon the area and height of the portion of the building structurally affected by the alteration or other work (not necessitated by or involved in the making of an addition) as if such portion had been a new building of the same area and height.

Provided that in calculating the fees payable under this section no regard shall be had to the proviso contained in the said Part I. of the said Third Schedule. 521

521 Provided also that the fees payable to the district surveyor in respect of arches or fire-resisting floors over or under public ways the formation or closing of openings in party walls and on chimneys and flues shall be those specified in the said Part I. of the said Third Schedule.

(2.) One-fifth of the amount of any fee payable under this section shall be paid to the district surveyor at the time when notice is served on him under section 145 of the 499 London Building Act 1894.

501 (3.) Subject to the provisions of this section all the provisions of the London Building Act 1894 relating to the payment to and recovery by the district surveyor of fees shall extend and apply to the fees provided for by this section.

27. Saving Existing Powers and Rights. The provisions of this Part of this Act and any regulations in force thereunder shall not apply in the case of the erection or alteration of or the making of an addition to or the doing of other work to in or upon any building in accordance with the provisions of the principal Acts and nothing in this Part of this Act or in any regulations in force thereunder shall take away or prejudice any powers rights privileges or exemptions vested in or enjoyed by any person under the principal Acts or any of them.

HOUSING, TOWN PLANNING, Etc., ACT, 1909.

(9 EDW. 7, c. 44.)

(*Extracts.*)

PART I.

HOUSING OF THE WORKING CLASSES.

CONTRACTS BY LANDLORDS.

14. Extension of Section 75 of the Principal Act.¹ In any contract made after the passing of this Act for letting for habitation a house or part of a house at a rent not exceeding—

(a.) in the case of a house situate in the administrative county of London, forty pounds ;

(b.) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds ;

(c.) in the case of a house situate elsewhere, sixteen pounds ;

there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation, but the condition aforesaid shall not be implied when a house or part of a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for occupation, and the lease is not determinable at the option of either party before the expiration of that term.

15. Condition as to keeping Houses let to Persons of the Working Classes in Repair.

(1.) The last foregoing section shall, as respects contracts to which that section applies, take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation.

(2.) The landlord or the local authority, or any person authorized by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.

(3.) If it appears to the local authority within the meaning of Part II. of the

¹ The Housing of the Working Classes Act, 1890.

principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than twenty-one days, specified in the notice, to execute such works as the authority shall specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4.) Within twenty-one days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house.

(5.) If the notice given by the local authority is not complied with, and if the landlord has not given the notice mentioned in the immediately preceding subsection, the authority may, at the expiration of the time specified in the notice given by them to the landlord, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house, nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum, until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6.) A landlord may appeal to the Local Government Board against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the Board within twenty-one days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order, or demand, whilst the appeal is pending.

(7.) In this section the expression "landlord" means any person who lets to a tenant for habitation the house under any contract referred to in this section, and includes his successors in title; and the expression "house" includes part of a house.

(8.) Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(9.) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

16. Extension of Power of making Byelaws with respect to Lodging-houses for the Working Classes. (1.) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2.) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

(3.) Where an owner or other person has failed to execute any work which he has been required to execute under the byelaws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of subsection (5.) of the last foregoing section, with respect to the execution of works and the recovery of expenses by local authorities, shall apply as if the owner or other person were the landlord, and with such other adaptations as may be necessary.

AMENDMENT OF PROCEDURE FOR CLOSING ORDERS AND DEMOLITION ORDERS.

58

17. Duty of Local Authority as to Closing of Dwelling-house Unfit for Human Habitation. (1.) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as may be prescribed by the Board.

(2.) If, on the representation of the medical officer of health, or of any other officer of the authority, or other information given, any dwelling-house appears to them to be in such a state, it shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3.) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the order is served upon him.

(4.) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house in respect of which the order is made, and, within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to be ordered to quit the dwelling-house within such time as may be specified in the order.

(5.) Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the local authority may make to every such tenant such reasonable allowance on account of his expense in removing as may be determined by the local authority with the consent of the owner of the dwelling-house, or, if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6.) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house, in respect of which the order has been made, has been rendered fit for human habitation.

If, on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the application is refused.

54

(7.) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(a.) is not on an average at least seven feet in height from floor to ceiling ; or

- (b.) does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation: Provided that if the local authority, after being required to do so by the Local Government Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board :

Provided that a closing order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place ; and that, if the occupier of the room after notice of an order has been served upon him fails to comply with the order, an order to comply therewith may, on summary conviction, be made against him.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

18. Order for Demolition. (1.) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

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(2.) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building, being or being part of the dwelling-house, is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3.) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time, not exceeding six months, as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

(4.) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after the order is served upon him.

39. Appeals to Local Government Board. (1.) The procedure on any appeal under this Part of this Act, including costs, to the Local Government Board shall be such as the Board may by rules determine, and on any such appeal the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and, where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the Board think just.

Provided that—

(a.) the Local Government Board may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the court any question of law arising in the course of the appeal ; and

(b.) the rules shall provide that the Local Government Board shall not dismiss any appeal without having first held a public local inquiry.

(2.) Any notice, order, or apportionment as respects which an appeal to the Local Government Board is given under this Part of this Act shall not become operative, until either the time within which an appeal can be made under this Part of this Act

has elapsed without an appeal being made, or, in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(3.) The Local Government Board may, before considering any appeal which may be made to them under this Part of this Act, require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made by them with reference to appeals.

59

43. Prohibition of Back-to-back Houses. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(a.) shall prevent the erection or use of a house containing several tenements in which the tenements are placed back-to-back, if the medical officer of health for the district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement ; or

(b.) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

44. Power to Local Government Board to Revoke Unreasonable Byelaws. If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, or urban or rural district, is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

DEFINITIONS.

49. Amendment of Definitions for Purpose of Part II. of the Principal Act.

(1.) The words “means any inhabited building and” shall be omitted from the definition of “dwelling-house” in section twenty-nine of the principal Act.

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(2.) For the definition of owner in the same section the following definition shall be substituted :—

“The expression ‘owner,’ in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years.”

PART II.

TOWN PLANNING.

24

54. Preparation and Approval of Town Planning Scheme. (1.) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions,

amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2.) The Local Government Board may authorize a local authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a *prima facie* case for making such a scheme, or may authorize a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorized to prepare a scheme.

(3.) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorize the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(4.) A town planning scheme prepared or adopted by a local authority shall not have effect, unless it is approved by order of the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose :

Provided that, before a town planning scheme is approved by the Local Government Board, notice of their intention to do so shall be published in the London or Edinburgh Gazette, as the case may be, and, if within twenty-one days from the date of such publication any person or authority interested objects in the prescribed manner, the draft of the order shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and, if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme.

(5.) A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.

(6.) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board, on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7.) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

55. Contents of Town Planning Schemes. (1.) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act, and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

(2.) Special provisions shall in addition be inserted in every town planning scheme defining in such manner as may be prescribed by regulations under this Part of this Act the area to which the scheme is to apply, and the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority (in this Part of this Act referred to as the responsible authority), and

providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme :

Provided that, where the scheme contains provisions suspending any enactment contained in a public general Act, the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and, if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.

(3.) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties :

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority.

24 **56. Procedure Regulations of the Local Government Board.** (1.) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof.

(2.) Provision shall be made by those regulations—

- (a.) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations ;
- (b.) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land ; and
- (c.) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

57. Power to Enforce Scheme. (1.) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme—

- (a.) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or
 - (b.) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.
- (2.) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3.) If any question arises whether any building or work contravenes a town

planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

58. Compensation in Respect of Property Injurious Affected by Scheme, etc.

(1.) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

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(2.) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose:

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3.) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

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(4.) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board, unless the parties agree on some other method of determination.

(5.) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6.) Where a town planning scheme is revoked by an order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

59. Exclusion or Limitation of Compensation in Certain Cases. (1.) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2.) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3.) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to

compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

60. Acquisition by Local Authorities of Land Comprised in a Scheme. (1.) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorized to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorizing the Local Government Board to give directions as to the payment and application of any purchase-money or compensation) as a local authority may purchase or be authorized to purchase land situate in an urban district for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

(2.) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorized to purchase that land in the same manner as the responsible authority.

61. Powers of Local Government Board in Case of Default of Local Authority to Make or Execute Town Planning Scheme. (1.) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a local authority—

- (a.) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made ; or
- (b.) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ; or
- (c.) have unreasonably refused to consent to any modifications or conditions imposed by the Board ;

the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted :

Provided that, where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board.

(2.) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3.) Any order under this section may be enforced by mandamus.

62. Determination of Matters by Local Government Board. Where the Local Government Board are authorized by this Part of this Act or any scheme made thereunder to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at their option to determine the matter as arbitrators or otherwise, and, if they elect or are required to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid.

63. Inquiries by Local Government Board. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

64. Laying General Provisions before Parliament. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

66. Application to London. (1.) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2.) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

CINEMATOGRAPH ACT, 1909.

(9 EDW. 7, c. 30.)

(*Extracts.*)

1. Provision against Cinematograph Exhibition except in Licensed Premises. An exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for the purposes of which inflammable films are used, shall not be given unless the regulations made by the Secretary of State for securing safety are complied with, or, save as otherwise expressly provided by this Act, elsewhere than in premises licensed for the purpose in accordance with the provisions of this Act. 664

2. Provisions as to Licences. (1.) A county council may grant licences to such persons as they think fit to use the premises specified in the licence for the purposes aforesaid on such terms and conditions and under such restrictions as, subject to regulations of the Secretary of State, the Council may by the respective licences determine. 142

(2.) A licence shall be in force for one year or for such shorter period as the council on the grant of the licence may determine, unless the licence has been previously revoked as herein-after provided.

(3.) A county council may transfer any licence granted by them to such other person as they think fit.

(4.) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the county council and to the chief officer of police of the police area in which the premises are situated of his intention to apply for a licence or transfer :

Provided that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(5.) There shall be paid in respect of the grant, renewal, or transfer of a licence such fees as the county council may fix, not exceeding in the case of a grant or renewal for one year one pound, or in the case of a grant or renewal for any less period five shillings for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any year shall not exceed one pound, or, in the case of transfer, five shillings.

(6.) For the purposes of this Act, the expressions "police area" and "chief officer of police," as respects the City of London, mean the City and the Commissioner of City Police, and elsewhere have the same meanings as in the Police Act, 1890. 142

3. Penalties. If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this Act or the regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Act, he shall be liable, on

summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence to a further penalty of five pounds for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the county council.

4. Power of Entry. A constable or any officer appointed for the purpose by a county council may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Act, or any regulations made thereunder, and the conditions of any licence granted under this Act, have been complied with, and, if any person prevents or obstructs the entry of a constable or any officer appointed as aforesaid, he shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

5. Power of County Councils to Delegate. Without prejudice to any other powers of delegation, whether to committees of the council or to district councils, a county council may, with or without any restrictions or conditions as they may think fit, delegate to justices sitting in petty sessions any of the powers conferred on the council by this Act.

6. Application to County Boroughs. The provisions of this Act shall apply in the case of a county borough as if the borough council were a county council, and the expenses of the borough council shall be defrayed out of the borough fund or borough rate.

142 **7. Application of Act to Special Premises.** (1.) Where the premises are premises licensed by the Lord Chamberlain the powers of the county council under this Act shall, as respects those premises, be exercisable by the Lord Chamberlain instead of by the county council.

(2.) Where the premises in which it is proposed to give such an exhibition as aforesaid are premises used occasionally and exceptionally only, and not on more than six days in any one calendar year, for the purposes of such an exhibition, it shall not be necessary to obtain a licence for those premises under this Act if the occupier thereof has given to the county council and to the chief officer of police of the police area, not less than seven days before the exhibition, notice in writing of his intention so to use the premises, and complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified to the occupier in writing.

(3.) Where it is proposed to give any such exhibition as aforesaid in any building or structure of a moveable character, it shall not be necessary to obtain a licence under this Act from the council of the county in which the exhibition is to be given if the owner of the building or structure—

- (a.) has been granted a licence in respect of that building or structure by the council of the county in which he ordinarily resides, or by any authority to whom that council may have delegated the powers conferred on them by this Act; and
 - (b.) has given to the council of the county and to the chief officer of police of the police area in which it is proposed to give the exhibition, not less than two days before the exhibition, notice in writing of his intention to give the exhibition; and
 - (c.) complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified in writing to the owner.
- (4.) This Act shall not apply to an exhibition given in a private dwelling-house to which the public are not admitted, whether on payment or otherwise.

LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1910.

(10 EDW. 7 & 1 GEO. 5, c. CXXIX.)

(Extracts.)

PART I.

INTRODUCTORY.

4 (part of). **Interpretation.** In this Act unless the subject or context otherwise requires—

“Sanitary authority” applies only to the sanitary authority for any district in the county and means—

(A) As respects the city of London the corporation;

(B) As respects the places known as the Inner Temple and the Middle Temple respectively the overseers of such places respectively; and

(C) As respects any metropolitan borough the council of such borough:

“The Act of 1891” means the Public Health (London) Act, 1891:

PART IV.

SMOKE NUISANCE.

18. **Powers to Council of enforcing certain Provisions of Act of 1891.** (1.) In any special case in which a sanitary authority request them so to do it shall be lawful for the Council in lieu of such sanitary authority to enforce the provisions of sections 23 (Furnaces and steam-vessels to consume their own smoke) and 24 (Summary proceedings for abatement of nuisance caused by smoke) of the Act of 1891. 51 431

(2.) It shall be lawful for the Council to enforce the provisions of the said sections 23 and 24 of the Act of 1891 in their application to any building or premises belonging to or used by a sanitary authority.

(3.) For the purposes and subject to the provisions of this section the Council may institute any proceedings and do any act as if within the meaning of the Act of 1891 the Council were a sanitary authority and the county were their district.

(4.) The exercise by the Council of the powers of subsection (2) of this section shall be subject to the provisions of subsection (3) of section 117 (Summary proceedings for offences expenses &c.) of the Act of 1891.

(5.) The provisions of this section shall not apply within the port of London.

19. **Power to Council to expend Money in connexion with Experiments for Abatement of Smoke Nuisance.** It shall be lawful for the Council to expend such moneys as they may think fit not exceeding in any one financial year the sum of five hundred pounds in making experiments and investigations with respect to smoke consumption and the abatement of nuisance arising from smoke.

BY-LAWS AND REGULATIONS APPLYING THROUGHOUT THE COUNTY

NOTE. *The headings for the various by-laws and regulations are not official.*

BY-LAWS: NEW STREETS.

BY-LAW MADE BY THE METROPOLITAN BOARD OF WORKS, AT A MEETING OF THE SAID BOARD, HELD AT GUILDHALL, IN THE CITY OF LONDON, ON 17TH MARCH, IN THE YEAR OF OUR LORD 1857, IN AND FOR THE LIMITS OF THE METROPOLIS, AS DEFINED BY AN ACT PASSED IN THE NINETEENTH YEAR OF THE REIGN OF HER PRESENT MAJESTY, "FOR THE BETTER LOCAL MANAGEMENT OF THE METROPOLIS," AND SUBMITTED TO AND CONFIRMED AT A SUBSEQUENT MEETING OF THE SAID BOARD, HELD AT GUILDHALL AFORESAID, IN AND FOR THE LIMITS AFORESAID, ON 3RD APRIL, IN THE YEAR OF OUR LORD 1857, AND APPROVED BY ONE OF H.M. PRINCIPAL SECRETARIES OF STATE.

352 In pursuance of the powers vested in the Metropolitan Board of Works, by the Act of Parliament passed in the Nineteenth year of the reign of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis," it is hereby ordered by the said Board as follows, that is to say—

15 } 1. Four weeks at the least before any new street shall be laid out, written notice
457 } shall be given to the Metropolitan Board of Works, at their office, Spring Gardens, in the County of Middlesex, by the person or persons intending to lay out such new street, stating the proposed level and width thereof, and accompanied by a plan of the ground showing the local situation of the same.

2. Forty feet at the least shall be the width of every new street intended for carriage traffic; twenty feet at the least shall be the width of every new street intended only for foot traffic; provided that the said width, respectively, shall be construed to mean the width of the carriage and foot way only exclusive of any gardens, forecourts, open areas, or other spaces in front of the houses or buildings erected or intended to be erected in any street.

3. Every new street shall, unless the Metropolitan Board of Works otherwise consent in writing, have at the least two entrances of the full width of such street, and shall be open from the ground upward.

4. The measurement of the width of every new street shall be taken at a right angle to the course thereof, half on either side from the centre or crown of the roadway to the external wall or front of the intended houses or buildings on each side thereof; but where forecourts or other spaces are intended to be left in front of the houses or buildings, then the width of the street, as already defined, shall be measured from the centre line up to the fence, railing, or boundary dividing or intended to divide such forecourts, gardens, or spaces from the public way.

20 5. The carriage way of every new street must curve or fall from the centre or crown thereof at the rate of three-eighths of an inch, at the least, for every foot of breadth.

6. In every new street the kerb to each footpath must not be less than four nor more than eight inches above the channel of the roadway, except in the case of crossings, paved or formed, for the use of foot passengers; and the slope of every footpath towards the kerb must be half an inch to every foot of width if

the footpath be unpaved, or not less than a quarter of an inch to every foot of width if the footpath be paved.

7. In this by-law the word "street" shall be interpreted to apply to and include any highway (except the carriage-way of any turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley or passage, whether a thoroughfare or not; and a part of any such highway, road, bridge, lane, footway, square, court, alley or passage.

8. In case of any breach of the regulations contained in this by-law the offender shall be liable for each offence to a penalty of forty shillings; and in case of a continuing offence to a further penalty of twenty shillings for each day after notice thereof from the Metropolitan Board of Works.

By the 40th section of the Local Government Act, 1888, the powers of the Metropolitan Board of Works are transferred to the London County Council, and any notice which by the above by-law is directed to be given to the Board must henceforth be given to the Council, and any consent which might have been given by the Board may be given by the Council, and any notice which might have been given under the said by-law by the Board to an offender may be given by the Council.

BY-LAWS: COMMON LODGING HOUSES.

(*Extracts.*)

BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 2ND JULY, 1903, UNDER SECTION 53 (2) 555
OF THE LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1902, IN RESPECT OF
COMMON LODGING HOUSES WITHIN THE COUNTY OF LONDON, AND APPROVED BY THE LOCAL
GOVERNMENT BOARD ON 14TH AUGUST, 1903.

1. In these by-laws, unless the context otherwise requires—

The expression "keeper" means, until the first application for a licence in respect of a registered common lodging-house shall have been granted, the person registered as keeper thereof, and save as aforesaid, means the person for the time being licensed to keep a common lodging-house.

The expression "Council" means the London County Council.

2. A keeper shall not at any one time receive or cause or suffer to be received into 53
a common lodging-house, or into any room therein, a greater number of lodgers than shall be fixed by the Council and be specified in a notice according to the form in Schedule I. to these by-laws, which shall be duly served upon or delivered to such keeper, and shall continue in force until in pursuance of the provisions of the by-law in that behalf the number so fixed and specified shall be varied by the Council.

3. The Council may in any case where they determine that it is expedient to vary the number of lodgers fixed by them to be received into a common lodging-house or into any room therein, from time to time cause to be duly served upon or delivered to the keeper of such house a notice according to the form in Schedule II. to these by-laws, and such keeper shall not at any one time after the date specified in such notice receive or cause or suffer to be received into such house or into any room therein a greater number of lodgers than shall be specified in such notice, and such notice shall continue in force until in pursuance of the provisions of this by-law the number of lodgers so fixed and specified shall be further varied.

4. The keeper shall not permit any room in a common lodging-house not appointed for use as a sleeping apartment to be occupied or used as a sleeping apartment.

5. The keeper shall fix and keep in a conspicuous place and in such a manner that the contents may be clearly and distinctly visible and legible in each room appointed for use as a sleeping room in a common lodging-house a ticket to be supplied by the Council in the form prescribed in Schedule III. to these by-laws, and the keeper shall not at any time wilfully conceal, deface, alter, or obliterate any letters or figures on such ticket, or wilfully or carelessly injure or destroy such ticket.

6. Every keeper on receiving from the Council, for the purpose of exhibition in a

common lodging-house or in any room therein, a copy or copies of any by-law or by-laws for the time being in force with respect to common lodging-houses, shall put up or affix and continue such copy or copies in a suitable and conspicuous place in such house, or in such room, and in such a manner that the contents of such copy or copies may be clearly and distinctly visible and legible, and the keeper shall not wilfully conceal, deface, alter or obliterate any part of the contents of such copy or copies of any by-law, or wilfully or carelessly injure or destroy such copy or copies.

7. For the purpose of determining the number of lodgers who may be received into any common lodging-house, or into any room therein, two children under six years of age shall be counted as one person.

8. The keeper shall not permit any room in a common lodging-house to be used as a sleeping apartment if the floor of such room is more than three feet below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room. Provided that this by-law shall not preclude the keeper from continuing to use as a sleeping apartment any room so used with the sanction of the Council at the date when these by-laws came into operation in cases where—

(a.) The room is in every part thereof at least seven feet high measured from the floor to the ceiling, and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room;

(b.) Every wall of the room is constructed with a proper damp course, and, if in contact with the soil, is effectually secured against dampness from that soil;

(c.) There is outside of and adjoining the room and extending along the entire frontage thereof and upwards from six inches below the level of the floor thereof an open area properly paved at least four feet wide in every part thereof;

(d.) The said area and the soil immediately below the room are effectually drained;

(e.) If the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air;

(f.) Any drain passing under the room is properly constructed of a gas-tight pipe;

(g.) The room is effectually secured against the rising of any effluvia or exhalation;

(h.) The room is effectually ventilated;

(i.) The room has a fireplace with a proper chimney or flue;

(j.) The room has one or more windows opening directly into the external air clear of the sash frames equal to at least one-tenth of the floor area of the room, and so constructed that one-half at least of each window of the room can be opened, and the opening in each case extends to the top of the window.

9. The keeper shall not, except as hereinafter provided, receive as a lodger or lodgers any single man, except in such part of the common lodging-house as shall be appropriated exclusively to the use of men, or any single woman, except in such part of the house as shall be appropriated exclusively to the use of women, or any married couple, or parents with their children under ten years of age, except in such part of the house as shall be appropriated exclusively to the use of married couples, or parents with their children under ten years of age.

11. The keeper shall, except as hereinafter provided, cause every room in a common lodging-house, which may be appointed for use and occupation as a sleeping apartment by two or more married couples, to be so furnished or fitted that every bed, when in use and occupation, shall be effectually screened from the view of any occupant of any other bed, by means of a partition of wood or other solid material, which shall be constructed and fixed or placed so as to allow adequate means of access to the bed which such partition is intended to screen, and so as to extend upwards throughout the whole length and breadth of such bed to a sufficient height above such bed and downwards to a distance of not more than six inches above the level of the floor, and each part thus partitioned off to contain a bed shall have on one of its sides the whole or part of a window opening directly into the external air; provided that if a common lodging-house lawfully used as such at the date of the confirmation of these by-laws cannot reasonably be made to comply forthwith with the foregoing provision as to windows, the said provision shall not apply to such house until the expiration of a period of five years from such date.

12. A keeper shall, in the first week in the month of April and in the first week in

the month of October, in every year, cause every part of a common lodging-house to be cleansed, and shall, at the same time, except in such cases as are hereinafter specified, cause every area, the interior surface of every ceiling and wall of every water-closet belonging to the premises, and the interior surface of every ceiling and wall of every room, staircase and passage in the house, to be thoroughly stopped, cleansed and lime-washed or distempered. Provided that if any such interior surface is painted or covered with material which is such as to render the lime-washing thereof unsuitable or inexpedient, this by-law shall be deemed to be satisfied, so long as such surface is thoroughly cleansed and the paint or other covering thereon is renewed, if such cleansing or renewal be necessary for the purpose of keeping the house in a cleanly and wholesome condition.

17. The keeper shall cause every part of the structure of every water-closet and urinal belonging to a common lodging-house to be maintained at all times in good order, and every part of the apparatus of such water-closet and urinal and every drain or means of drainage with which such water-closet or urinal may communicate to be maintained at all times in good order and efficient action.

18. The keeper shall cause every receptacle for dust, ashes and other house refuse, belonging to a common lodging-house to be maintained at all times in good order and in a wholesome condition, and shall not cause or suffer any filth or liquid refuse to be thrown into any such receptacle.

19. The keeper shall cause every yard, area, forecourt or other open space within the curtilage of the premises of a common lodging-house to be kept at all times in good order and thoroughly clean and free from any accumulation of filth or refuse, and shall, as often as shall be requisite, wash all paved surfaces in such yard, area, forecourt or other open space.

20. The keeper shall cause all such means of ventilation as may be provided in or in connection with any room, passage, or staircase in a common lodging-house, or in connection with any water-closet or urinal belonging to such house, to be maintained at all times in good order and efficient action.

26. Every keeper shall keep and maintain in good condition and repair and in efficient working order all means provided for the escape of the inmates of the common lodging-house in case of fire. The keeper shall cause fire-extinguishing appliances, which shall be reasonably sufficient, to be kept constantly charged, and available for use on each floor of the common lodging-house.

The keeper shall not use or suffer or permit to be used in any part of a common lodging-house into which lodgers are received any lighted candle or any lamp supplied with paraffin, mineral or other oil or spirit for lighting, heating or cooking purposes, unless such candle is properly protected or such lamp is so constructed, protected and secured as not to involve risk of fire to the house or its contents.

Every keeper shall cause all gas burners in a common lodging-house to be protected, where necessary, by glass or wire globes, and shall also cause all gas burners within three feet of an inflammable ceiling in any such house to be fitted with consumers to distribute the heat.

The keeper shall not store or keep or allow to be stored or kept any paraffin, mineral or other oil or spirit or matches or any explosive substance in any cupboard or other space situate under any staircase in a common lodging-house.

COMMENCEMENT OF BY-LAWS.

29. These by-laws shall come into force on the 1st day of October, 1903.

The Seal of the London County Council was hereunto affixed on the Second day of July, 1903.

L. S.

G. L. GOMME,
Clerk of the London County Council.

Allowed by Local Government Board this Fourteenth day of August, 1903.

L. S.

S. B. PROVIS,
Secretary.

SCHEDULE I.

To _____ of _____

Whereas, in pursuance of the statutory provision in that behalf you have been duly licensed by the London County Council to use the premises situated at _____ in the County of London, for the purpose of a common lodging-house, and to receive lodgers therein :

Now, I, _____, clerk to the said Council, do hereby give you notice that, in exercise of the powers conferred upon them in that behalf, the said Council have fixed as the number of lodgers who may be received at any one time into such house and into the several rooms therein, the number specified in respect of such house and of each of such rooms in the form hereunto appended.

FORM.

“Common lodging-house.”

Licence No. _____ .

Common lodging-house situated at _____

Name of keeper _____

The number of lodgers who may be received at any one time into this house is _____

The number of lodgers who may be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—

In Room No. 1	In Room No. 2	In Room No. 3	In Room No. 4	In Room No. 5	Total.
In Room No. 6	In Room No. 7	In Room No. 8	In Room No. 9	In Room No. 10	
In Room No. 11	In Room No. 12	In Room No. 13	In Room No. 14	In Room No. 15	
In Room No. 16	In Room No. 17	In Room No. 18	In Room No. 19	In Room No. 20	
In Room No. 21	In Room No. 22	In Room No. 23	In Room No. 24	In Room No. 25	

Clerk of the London County Council.

day of _____

190 .

SCHEDULE II.

To _____ of _____

Whereas, in pursuance of the statutory provision in that behalf you have been duly licensed by the London County Council to use the premises situated at _____ in the County of London, for the purpose of a common lodging-house, and to receive lodgers therein :

And Whereas the said Council have determined that it is expedient to vary the number of lodgers heretofore fixed to be received at any one time into such house and into the several rooms therein ;

Now, I, _____ Clerk to the said Council, do hereby give you notice that from and after the _____ day of _____, the number of lodgers who may be received at any one time into such house and into the several rooms therein shall be the number specified in respect of such house and of each of such rooms in the form hereunto appended.

FORM.

"Common lodging-house."

Licence No. _____

Common lodging-house situated at _____

Name of keeper _____

The number of lodgers who may be received at any one time into this house is _____

The number of lodgers who may be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—

In Room No. 1	In Room No. 2	In Room No. 3	In Room No. 4	In Room No. 5	Total.
In Room No. 6	In Room No. 7	In Room No. 8	In Room No. 9	In Room No. 10	
In Room No. 11	In Room No. 12	In Room No. 13	In Room No. 14	In Room No. 15	
In Room No. 16	In Room No. 17	In Room No. 18	In Room No. 19	In Room No. 20	
In Room No. 21	In Room No. 22	In Room No. 23	In Room No. 24	In Room No. 25	

_____ Clerk of the London County Council.
day of _____ 190 .

SCHEDULE III.

"Common lodging-house."

Licence No. .

Street or place.

ROOM.

No. .

Number of lodgers authorized to be received in this room.

Clerk of the London County Council.

day of

190 .

BY-LAWS: SEAMEN'S LODGING HOUSES

(Extracts.)

528 BY-LAWS MADE BY THE LONDON COUNTY COUNCIL IN PURSUANCE OF SECTION 214 OF THE MERCHANT SHIPPING ACT, 1894, RELATING TO SEAMEN'S LODGING-HOUSES IN THE ADMINISTRATIVE COUNTY OF LONDON.

1. **Interpretation of Terms.** In the construction of the following by-laws, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

"The Council" means the London County Council.

"The county" means the administrative county of London.

"The district" means the district of the sanitary authority.

"Seaman" means any male person other than the holder of a certificate of competency or service as master, mate, or engineer, in the merchant service who, within four weeks immediately preceding the date of any transaction or occurrence within the scope of these by-laws, has been employed in any capacity whatsoever on board a ship, whether British or foreign, but shall not include a person engaged upon a fishing boat or trawl boat.

"Licence" means a licence granted, or which may be granted, by the Council in pursuance of these by-laws to a person authorizing him to keep the house specified therein as a seamen's lodging-house.

"Keeper" means a person to whom a licence has been granted in pursuance of these by-laws.

"House" means a seamen's lodging-house.

53 2. **Application for Licence.** A person who shall apply to the Council for a licence shall furnish, on the application form to be supplied by the Council, a true statement of the particulars therein required to be specified.

3. **Penalty for False Statement.** A person who, not being duly licensed, shall himself or by means of any agent or servant hold himself out as keeping or purporting to keep a licensed house, shall be liable to a penalty not exceeding twenty pounds, and to a further penalty of ten pounds for every day during which he shall continue to do so after conviction for so doing.

4. **Grant of Licence.** A licence shall continue in force (subject to suspension or revocation as in these by-laws provided) for such period as the Council may determine, and shall be subject to such conditions specified therein or endorsed thereon, and not being inconsistent with the laws, by-laws, or regulations for the time being in force in

the county, as the Council sees fit, and a keeper, or any person employed in a licensed house, shall not commit a breach of, or fail to observe, such conditions.

5. **Public-houses or Beer-houses not to be Licensed.** A house or part of a house which is in connection with any public-house or beer-house shall not be licensed as a seamen's lodging-house.

6. **Certain Persons not to be Licensed.** A licence shall not be granted to a person who holds a licence for the sale of intoxicating liquor, nor shall a licence be granted in respect of any house or part of a house where intoxicating liquor is sold, nor shall any keeper sell or be engaged or interested in the sale of intoxicating liquor. Provided that nothing in this by-law shall prohibit the Council from granting a licence in respect of a *bonâ fide* sailors' home carried on under the superintendence of an unpaid board of directors or committee of management, at which intoxicating liquor is sold; any profits of such home being wholly applied or expended in the upkeep, maintenance, endowment or improvement of such home or for the benefit of the seamen lodging or boarding therein.

7. **Notice to be Affixed to Licensed House.** A keeper shall affix and keep undefaced and legible a notice with the words "Licensed Seamen's Lodging-house" in the most conspicuous place on the outside of the main entrance from any street to the licensed house, and also the full name and address of the keeper.

8. **Access to Seamen's Lodging-house and to Register of Lodgers.** A keeper and any person employed in a house shall at all times, by day or night, when required by an officer appointed by the Council for the inspection of seamen's lodging-houses, or by an officer of the Board of Trade, or of the police, give him or them or any of them free access to all parts of such house and to the register of seamen lodgers hereinafter referred to.

9. **Number of Lodgers.** A keeper shall not at any one time receive, cause, or suffer to be received into a house, or into any room therein, a greater number of lodgers than shall be from time to time allowed by the certificate of the clerk of the Council. Such certificate shall be supplied by the Council to the keeper, and he shall produce such certificate whenever required by any officer appointed by the Council for the inspection of seamen's lodging-houses.

10. A keeper shall fix and keep fixed in a conspicuous place in each room appointed for use as a sleeping apartment in a house, a ticket signed by the clerk of the Council, stating the number of lodgers allowed to be received into such room, and a keeper and any person employed in a house shall not at any time conceal, deface, alter, or obliterate, or permit or suffer to be concealed, defaced, altered or obliterated, any letters or figures on such ticket.

11. Notwithstanding that the maximum number of lodgers to be received into a house or into any room therein may not have been fixed by the Council as hereinbefore provided, a keeper shall not cause or suffer a greater number of persons than will admit of the provision of 400 cubic feet of free air space for each person to occupy at one time as a sleeping apartment a room which is used for that purpose.

12. Whenever the Council shall consider it necessary to reduce the number of lodgers to be received into any room in a house, the keeper shall, upon receiving notice in writing to that effect, under the hand of the clerk of the Council, cease to permit such room to be occupied by any greater number of lodgers than that specified in such notice.

13. **Sleeping Apartments.** A keeper shall not at any time cause or suffer any room which may be appointed for use as a kitchen, scullery, or sitting-room, or any underground room which does not comply with the provisions of sub-section 1 of section 96 of the Public Health (London) Act, 1891, to be used as a sleeping apartment.

14. **Ventilation.** A keeper shall cause all such means of ventilation as may be provided in or in connection with any room, passage or staircase in a house, and in, or in connection with, any water-closet or urinal belonging to a house to be maintained at all times in good order.

15. A keeper shall cause the windows of every room and of every passage, staircase and water-closet in a house to be kept fully open for such time on each day as may be necessary for the purposes of ventilation, and shall cause the windows of every room

which may be appointed for use and occupation as a sleeping apartment to be kept fully open from 9 a.m. to 4 p.m. each day during the months of October, November, December, January, February, March and April, and from 9 a.m. to 6 p.m. each day during the months of May, June, July, August and September.

Provided that such keeper shall not be required in pursuance of this by-law to cause any window in any room to be opened or to be kept open at any time when the state of the weather is such as to render it necessary that the window shall be closed or when any bed in such room may be occupied by any lodger in consequence of sickness or of other sufficient cause.

16. Cleansing. A keeper shall, in the first week in the month of April, and, if required in writing by the Council, in the first week in the month of October, in every year, cause every part of a house to be cleansed, and shall, at the same time, except as in such cases as are hereinafter specified, cause every area, the interior surface of every ceiling and wall of every water-closet belonging to the premises, and the interior surface of every ceiling and wall of every room, staircase, and passage in the house, to be thoroughly stopped, cleansed, and lime-washed or distempered. Provided that if any such interior surface is painted or covered with material which is such as to render the lime-washing thereof unsuitable or inexpedient, this by-law shall be deemed to be satisfied, so long as such surface is thoroughly cleansed and the paint or other covering thereon is renewed, if such cleansing or renewal be necessary for the purpose of keeping the house in a cleanly and wholesome condition.

23. Water-closets. A keeper shall provide sufficient and proper water-closet accommodation in a seamen's lodging-house in the proportion of one such closet to every 12 or fractional part of 12 persons in a house authorized to receive not more than 24 persons; one to every 15 or fractional part of 15 persons in a house authorized to receive more than 24 and not more than 60 persons; one to every 20 or fractional part of 20 persons in a house authorized to receive more than 60 and not more than 100 persons; and one to every 25 or fractional part of 25 persons in a house authorized to receive more than 100 persons. He shall cause all water-closets in a house and every part of the apparatus of such water-closets, to be kept clean, and shall cause the same and every drain or means of drainage with which they or either of them may communicate, to be maintained in good order and efficient condition.

30. Licence may be Suspended or Revoked. Upon the Council being satisfied that any keeper has been guilty of a breach of the Merchant Shipping Act, 1894, or the Acts amending the same, or that such keeper has kept, or is keeping, or is allowing to be kept, a house in which drunkenness, gambling, opium smoking, or immoral or fraudulent practices prevail, or is or has been a party to such proceedings, or neglects to remove from such house any person of improper or immoral character who may have entered therein or has failed, or is failing to comply with these by-laws or any of them, the Council may suspend or revoke all licences granted to such keeper.

The foregoing by-laws were made by the London County Council on the Sixth day of July, 1909, and the Fourteenth day of December, 1909, and the common seal of the Council was hereunto affixed on the 16th day of December, 1909.

G. L. GOMME,

Clerk of the Council.



Approved,

WINSTON S. CHURCHILL.

ABSTRACT OF REQUIREMENTS: PETROLEUM.

ABSTRACT OF THE REGULATIONS AS TO THE KEEPING, SALE, CONVEYANCE, AND HAWKING OF PETROLEUM IN THE COUNTY OF LONDON.

397 For further information reference should be made to the Petroleum Acts, 1871 and
414 1879, to the Petroleum (Hawkers) Act, 1881, and to the Locomotives on Highways

Act, 1896, and the Regulations of the Secretary of State thereunder of 31st July, 1907. 529
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GENERAL.

1. Petroleum to which the Acts apply means "any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils," which, when tested in the prescribed manner, give off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer. 414

This definition includes any composition such as varnish, paint, or india-rubber solution, which contains petroleum spirit.

2. Throughout this abstract, petroleum to which the Acts apply is called "petroleum spirit"; and all other petroleum is called "petroleum oil."

3. Where petroleum spirit is—

(a.) Kept at any place (except during the seven days next after importation); or

(b.) Sold or exposed for sale, the vessel containing it shall have a label stating in conspicuous characters the description of petroleum, with the addition of the words "highly inflammable," and also the name and address of the owner or vendor.*

4. Petroleum spirit can only be kept in pursuance of a licence granted by the Council,¹ except as follows:— 397

(a.) Not exceeding three gallons may be kept in separate glass, earthenware, or metal vessels, securely stopped, each of which must not contain more than one pint.*

(b.) When it is kept or used for the purposes of light locomotives in accordance with the Regulations as to Petroleum made by the Secretary of State. 620

LICENCES.

5. Application to the Council for a licence must be made upon the form provided for the purpose, which can be obtained by application in writing, addressed to the chief officer, Public Control Department of the London County Council, 31, Spring Gardens, S.W. 51

6. Every application must be accompanied by a fee of 5s. in money, or, if sent through the post, by cheque or postal order payable to the order of the London County Council. The fee will be returned to the applicant if the licence be not granted.

7. Where the application is for a licence to store 50 gallons or more there must also be sent a ground plan, drawn to the scale of one-eighth of an inch to a foot, and showing the places where it is proposed to keep and use petroleum, and also showing the buildings, etc., within 50 feet of such places.

8. Every application must state—

(a.) The quantity of petroleum spirit which the applicant desires to keep;

(b.) The proposed place and method of storage;

(c.) Particulars of manufacturing processes (if any) in which the spirit is to be used.

9. Petroleum spirit should, whenever possible, be stored in one of the following methods:—

(a.) In a strong metal tank sunk into the ground at a suitable place, and covered with earth or concrete. The tank to have no openings but for the pipes through which the petroleum spirit is pumped.

(b.) In a concrete, stone, brick, or iron store (partially sunk into the ground where possible), the lower part so constructed as to form a tank capable of receiving, in case of accident, all the petroleum contained in the store. The store to be ventilated sufficiently to prevent the accumulation therein of an

* See paragraph 19 at end of this abstract.

inflammable vapour, and all ventilating openings to be protected by strong wire gauze.

The Council, however, grants licences to keep quantities not exceeding 10 gallons of petroleum spirit in yards or other suitable situations, on condition that a place of storage having a superficial area measuring at least 5 feet by 5 feet is provided, and is exclusively appropriated to the purpose, and that such place of storage is not within any inhabited building.

In cases where the foregoing methods of storage cannot be adopted, the Council may grant licences under special conditions, provided the means of storage and precautions for safety proposed are considered satisfactory.

104 Applicants and licensees should note that all new buildings or structural alterations must be in compliance with the provisions of the London Building Acts.

10. The following are the usual general conditions contained in petroleum licences granted by the Council.

(1.) That the total quantity of petroleum kept do not exceed

(2.) That petroleum be exclusively contained in strong metal vessels, fitted with screw caps, and so constructed as to prevent leakage or the escape of vapour.

(3.) That there be in conspicuous characters on every storage vessel containing petroleum the description of petroleum, with the addition of the words "Highly inflammable."

(4.) That petroleum be kept only in

(Here follow description of the place of storage and the method of using the petroleum.)

(5.) That vessels containing petroleum be at all times securely closed except during the time necessary for drawing off the petroleum; and that during such drawing off every reasonable precaution be adopted for preventing the escape of petroleum or the vapour therefrom.

(6.) That no substance other than petroleum be deposited or kept in the place of storage above described, and that explosives, matches, or other inflammable or explosive substances be not in or near any store, workroom, or other place where the petroleum is kept or used.

(7.) That all petroleum received upon the premises be at once taken to the place of storage; and that petroleum taken from the place of storage for delivery be at once removed from the premises.

(8.) That the licensee do take effectual precautions for preventing unauthorized persons, and all persons under the age of 15 years from obtaining access to the place of storage.

(9.) That there be no fire, forge, furnace, or similar source of danger, or any storage of explosives within 20 feet, or of highly inflammable material within 10 feet, of the place of storage, unless separated therefrom by a wall or screen of sufficient strength and height to prevent the communication of fire, and that artificial light as would ignite inflammable vapour be not at any time taken into or near the place of storage.

(10.) That petroleum be only received on the licensed premises between sunrise and sunset.

(11.) That sufficient sand to extinguish fire be kept with every vessel in which petroleum is stored.

(12.) That petroleum be only conveyed to or from the licensed premises in closed vessels, so constructed as to be entirely free from leakage, and that gunpowder or other article likely to cause fire or explosion be not carried in a vehicle in which petroleum is being conveyed.

(13.) That the arrangements for storage, as approved by the Council, and as seen by the Council's inspector last before the granting of this licence, be in all respects kept and maintained, unless the consent of the Council is given in writing to any departure therefrom.

(14.) That every authorized officer of the Council be at all times allowed free access to the premises of the licensee, for the purpose of ascertaining if the above conditions are properly observed; and that the licensee do, by himself or his

representatives, give any assistance for that purpose which such officer may require.

(15.) That petroleum, or any product or residue from petroleum, be not allowed to enter any inlet or drain communicating with a public sewer.

11. Licences are granted for periods not exceeding one year, and prior to expiration application must be made for their renewal. Notice of the expiration, and a form of application for renewal, is sent to each licensee at the proper time.

CONVEYANCE OF PETROLEUM SPIRIT.

12. Where petroleum spirit is sent or conveyed, the vessel containing it shall have a label stating in conspicuous characters the description of petroleum, with the addition of the words "highly inflammable," and also the name and address of the sender.

13. Petroleum spirit conveyed to or from licensed premises must be conveyed in accordance with the conditions of the licence.

HAWKING PETROLEUM.

14. Any person licensed to keep petroleum spirit may, subject to the enactments as to hawkers and pedlars, and to the following Regulations, hawk petroleum by himself or his servants.

15. Section 2 of the Petroleum (Hawkers) Act, 1881, provides with respect to the hawking of petroleum, that the following regulations shall be observed—

(1.) The amount of petroleum conveyed at one time in any one carriage shall not exceed twenty gallons.

(2.) The petroleum shall be conveyed in a closed vessel, so constructed as to be free from leakage.

(3.) The carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce, or be liable to produce, an explosive mixture.

(4.) Any fire or light, or any article of an explosive or highly inflammable nature, shall not be brought into or dangerously near to the carriage in which the vessels containing the petroleum are conveyed.

(5.) The carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise.

(6.) Proper care shall be taken to prevent any petroleum escaping into any part of a house or building, or of the curtilage thereof, or into a drain or sewer.

(7.) The petroleum shall be stored in some premises licensed for the keeping of petroleum, and in accordance with the licence for such premises, both every night and also when the petroleum is not in the course of being hawked.

(8.) All due precautions shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorized persons having access to the vessels containing the petroleum, and every person concerned in hawking the petroleum shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of such hawking.

(9.) No article or substance of an explosive or inflammable character other than petroleum, nor any article liable to cause or communicate fire or explosion, shall be in the carriage while such carriage is being used for the purpose of hawking petroleum.

When petroleum oil is in a carriage used for hawking petroleum spirit, such petroleum oil is deemed to be petroleum within the Act.

PETROLEUM SPIRIT FOR USE FOR MOTOR CARS.

16. Petroleum spirit for use for motor cars may be kept without a licence if the restrictions laid down in the Regulations of the Secretary of State under the Locomotives on Highways Act (given in full on the following pages) are strictly observed.

Where these Regulations cannot be observed, or where it is intended to also sell spirit for use for motor cars, a licence is necessary.

INSPECTION.

17. Any dealer who refuses to show to any officer authorized by the Council every or any place or all or any of the vessels in which petroleum or petroleum oil in his possession is kept, or to give him such assistance as he may require for examining the same, or to give to such officer samples of such petroleum or petroleum oil on payment of the value of such samples, or who wilfully obstructs the Council, or any officer of the Council, in the execution of this Act, shall incur a penalty not exceeding twenty pounds.

INTERCEPTING CHAMBERS.

- 28 18. In all cases where petroleum spirit is used or handled to any considerable extent, an intercepting chamber of approved pattern should be provided to prevent any spilled spirit from entering the drains. The discharge of petroleum into the
526 sewers is prohibited by the Council's Order under Section 10 of the General Powers Act, 1894. Penalty for infringement, £20.

PETROLEUM MIXTURES.

19. An Order in Council dated 7th May, 1907, prescribes that except as hereinafter mentioned, the Petroleum Acts, 1871 to 1881, shall apply to any mixture of petroleum with any other substance which, when tested in the manner set forth in the schedule to this Order, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer; whether such mixture be liquid, viscous, or solid, in the same manner as if such mixture were petroleum to which the said Acts apply.

The label on the vessel or package containing a petroleum mixture which is subject to the Petroleum Acts in virtue of this Order shall bear the words "Petroleum mixture giving off an inflammable heavy vapour." "Not to be exposed near a flame."

The quantity of any petroleum mixture which is subject to the Petroleum Acts in virtue of this Order, which may be kept without licence, and the conditions of such keeping, shall be as follows:—

(a.) Where the petroleum mixture is sufficiently liquid to be measured by liquid measure the quantity and the conditions of keeping shall be those specified in paragraph 4 of the above abstract.

(b.) Where the petroleum mixture is solid, or otherwise unsuitable to be measured by liquid measure, the quantity which may be kept without licence shall not exceed thirty pounds, which may only be so kept provided that it is enclosed in hermetically sealed packages or vessels containing each not more than one pound.

HOME SECRETARY'S REGULATIONS: PETROLEUM.

- 529 REGULATIONS DATED JULY 31ST, 1907, MADE BY THE SECRETARY OF STATE UNDER SECTION 5 OF THE LOCOMOTIVES ON HIGHWAYS ACT, 1896, AS TO THE KEEPING AND USE OF PETROLEUM FOR THE PURPOSES OF LIGHT LOCOMOTIVES.

Locomotives on Highways Act, 1896 (59 & 60 Vict. c. 36, s. 5).

In promulgating the following Regulations relating to the keeping, conveyance and use of petroleum in connection with light locomotives, the Secretary of State for the Home Department desires to direct public attention to the dangers that may arise

from the careless use of the more volatile descriptions of petroleum, commonly known as petroleum spirit. Not only is the vapour therefrom, which is given off at ordinary temperatures, capable of being easily ignited, but it is also capable, when mixed with air, of forming an explosive atmosphere. It is, therefore, necessary, in dealing with and handling the spirit, to take strict precautions by the employment of thoroughly sound and properly closed vessels to prevent leakage of the spirit, and by avoiding the use of naked lights in dangerous proximity to prevent the contact of any form of artificial light with the highly inflammable vapour which it is always evolving.

REGULATIONS.

By virtue of the powers conferred on me by the fifth section of the Locomotives on Highways Act, 1896, I hereby make the following Regulations for the keeping and use of petroleum for the purposes of light locomotives.*

In these Regulations the expression "petroleum spirit" shall mean the petroleum to which the Petroleum Acts, 1871 and 1879, apply, provided that when any petroleum other than that to which the said Petroleum Acts apply, is on or in any light locomotive, or is being conveyed or kept in any place on or in which there is also present any petroleum spirit as above defined, the whole of such petroleum shall be deemed to be petroleum spirit. 414

In these Regulations the expression "storehouse" shall mean any room, building, coach-house, lean-to, or other place in which petroleum spirit for the purposes of light locomotives is kept in pursuance of these Regulations and shall include an open-air place of storage, when and so long as due precautions for the prevention of unauthorized persons having access to the petroleum spirit are taken in pursuance of No. 13 of these Regulations.

1. The following shall be exempt from licence under the Petroleum Act, 1871, namely:—

- (a.) Petroleum spirit which is kept for the purpose of, or is being used on, light locomotives when kept or used in conformity with these Regulations.
- (b.) Petroleum spirit which is kept for the purpose of, or is being used on, light locomotives by, or by authority of, one of His Majesty's Principal Secretaries of State, the Admiralty, or other department of the Government.

2. These Regulations shall apply to petroleum spirit which is kept for the purpose of, or is being used on, light locomotives, and for which (save as hereinafter provided) no licence has been granted by the local authority under the Petroleum Act, 1871, and shall not apply to petroleum spirit which is kept for sale, or partly for sale and partly for use on light locomotives, and which must be kept in accordance with the provisions of the Petroleum Acts as heretofore, except that Regulations 13 and 14 shall apply to petroleum spirit which is kept partly for sale and partly for use on light locomotives.

These Regulations shall not apply to the keeping or use of petroleum spirit by or under the control of any Government department. Such keeping or use may be the subject of regulations to be made by the department concerned.

3. Where for any special reason a person keeping petroleum spirit for the purpose of light locomotives applies for a licence under the Petroleum Act, 1871, and the local authority see fit to grant such licence, such petroleum spirit shall be subject only to Regulations 8 to 15 and the conditions of such licence, in so far as the said conditions are not contrary to the said Regulations 8 to 15.

4. Where a storehouse forms part of, or is attached to, another building, and where the intervening floor or partition is of an unsubstantial or highly inflammable character, or has an opening therein, the whole of such building shall be deemed to be the storehouse, and no portion of such storehouse shall be used as a dwelling or as a place where persons assemble. A storehouse shall have a separate entrance from the open air distinct from that of any dwelling or building in which persons assemble.

* Under the seventh section of the Act, a breach of these Regulations may, on summary conviction, be punished by a fine not exceeding ten pounds.

5. The amount of petroleum spirit to be kept in any one storehouse, whether or not upon light locomotives, shall not exceed 60 gallons at any one time.

6. Where two or more storehouses are in the same occupation and are situated within 20 feet of one another, they shall for the purposes of these Regulations be deemed to be one and the same storehouse, and the maximum amount of petroleum spirit prescribed in the foregoing Regulation shall be the maximum to be kept in all such storehouses taken together. Where two or more storehouses in the same occupation are distant more than 20 feet from one another, the maximum amount shall apply to each storehouse.

7. Any person who keeps petroleum spirit in a storehouse which is situated within 20 feet of any other building whether or not in his occupation, or of any timber stack or other inflammable goods not owned by him, shall give notice to the local authority under the Petroleum Acts for the district in which he is keeping such petroleum spirit, that he is so keeping petroleum spirit, and shall renew such notice in the month of January in each year during the continuance of such keeping, and shall permit any duly authorized officer of the local authority to inspect such petroleum spirit at any reasonable time. This Regulation shall not apply to petroleum spirit kept in a tank forming part of a light locomotive.

8. Every storehouse shall be thoroughly ventilated.

9. Petroleum spirit shall not be kept, used, or conveyed except in metal vessels so substantially constructed as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective or insecure. Every such vessel shall be so constructed and maintained that no leakage, whether of liquid or vapour, can take place therefrom.

10. Every such vessel, not forming part of a light locomotive, when used for conveying or keeping petroleum spirit shall bear the words "petroleum spirit highly inflammable" conspicuously and indelibly stamped or marked thereon, or on a metallic or enamelled label attached thereto, and shall be of a capacity not exceeding two gallons.

397 Provided that this limitation of capacity shall not apply in any place of storage which is licensed under the Petroleum Act, 1871, unless such limitation is required by the conditions of the licence.

11. Before repairs are done to any such vessel, that vessel shall, as far as practicable, be cleaned by the removal of all petroleum spirit and of all dangerous vapours derived from the same.

12. The filling or replenishing of a vessel with petroleum spirit shall not be carried on, nor shall the contents of any such vessel be exposed in the presence of fire or artificial light, except a light of such construction, position or character, as not to be liable to ignite any inflammable vapour arising from such spirit, and no fire or artificial light capable of igniting inflammable vapour shall be brought within dangerous proximity of the place where any vessel containing petroleum spirit is being kept.

13. In the case of all petroleum spirit kept or conveyed for the purpose of, or in connection with, any light locomotive, (a) all due precautions shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorized persons having access to any petroleum spirit kept or conveyed, and to the vessels containing or intended to contain, or having actually contained, the same; and (b) every person managing, or employed on, or in connection with, any light locomotive shall abstain from every act whatever which tends to cause fire or explosion, and which is not reasonably necessary, and shall prevent any other person from committing such act.

14. In the storehouse or in any place where a light locomotive is kept or is present, petroleum spirit shall not be used for the purpose of cleaning or lighting, or as a solvent or for any purpose other than as fuel for the engine of a light locomotive.

Provided that where due precaution is taken to prevent petroleum spirit from escaping into a sewer or drain and provision made for disposing safely of any surplus petroleum spirit and where no fire or naked light is present, quantities not exceeding

one gill may be used for the cleaning of a light locomotive at a safe distance from any building, place of storage of inflammable goods, or much frequented highway, or for the repair of tyres, under suitable precautions.

This Regulation shall apply to premises on which petroleum spirit is kept for the purpose of, or is being used on, light locomotives, whether such premises are licensed or not, unless the local authority see fit, in the case of licensed premises to grant an exemption by a special term of the licence.

15. Petroleum shall not be allowed to escape into any inlet or drain communicating with a sewer.

16. These Regulations shall come into operation on the 15th August, 1907, from which date all previous Regulations made under the fifth section of the said Act are hereby repealed.

H. J. GLADSTONE,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
31st July, 1907.

NOTE.—From the above Regulations it will be seen that there are two methods in which petroleum spirit required for use in motor cars may be kept. The first of these will be the usual method, namely, to keep in accordance with these Regulations; but where a person finds that for some special reason he cannot observe one of the Regulations 4, 5, or 6, he may resort to the second method, namely, to apply to the local authority for a licence. In such cases the place will be examined by the local authority officer, who will advise the local authority as to its suitability for licence. Where a licence has been granted Regulations 4 to 7 no longer apply.

In no case is petroleum spirit kept wholly or partly for sale exempt from the necessity of a licence.

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REGULATIONS: APPLICATIONS UNDER BUILDING ACTS.

REGULATIONS WITH REGARD TO APPLICATIONS UNDER THE LONDON BUILDING ACT, 1894; 453
THE LONDON BUILDING ACT, 1894 (AMENDMENT) ACT, 1898; PART III. OF THE 530
LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1908; AND PART IV. OF THE 584
LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1909. 588

The attention of applicants is specially directed to the provision of section 194 of 508
the London Building Act, 1894, whereby all applications, plans and other documents
delivered at the office of the Council, on delivery there become the property of the
Council.

GENERAL.

1. (a.) Applications except under Part XI. of the Act of 1894, as to which see Regulation No. 4, must be addressed to the superintending architect, County Hall, Spring Gardens, S.W., and must state under which section or sections of the Acts they are made, and must be accompanied by the drawings and particulars required in each case.
- (b.) Applications must be made in writing on paper of foolscap size on one side only of the paper, and all drawings (including plans, sections and elevations) must be on the unglazed side of tracing **linen** of sufficient size to permit of the approval of the Council being endorsed thereon. Indelible prints of drawings on **white linen** may be submitted in lieu of tracings. 234
- (c.) The scale to which drawings are made must be drawn thereon and also expressed in words; the north point must be indicated on all plans.
- (d.) The site must be coloured pink, the proposed building red, existing buildings grey, and any land to be dedicated and left open for the use of the public blue.

(e.) The full names and addresses of the persons on whose behalf applications are made and the extent and character of their interests in the property, must be stated. It must also be stated whether any portion of the sites on which the buildings are proposed to be erected forms part of a disused burial ground, and whether the property is freehold, leasehold or copyhold. Particulars must be furnished as to the nature of applications, the situation of the streets, buildings or structures, and the purposes for which such buildings are required.

(f.) All drawings must be in duplicate.

2.—PLANS, SECTIONS AND PARTICULARS REQUIRED IN EACH CASE.

15 (a.) Formation and laying out of new streets—Adaptation of ways for streets and
457 widening of streets (see also Regulation No. 3), etc., sects. 7 and 10 of the Act of 1894.

A key plan of the locality showing the surrounding property.

Plans to a scale of 1 inch to 88 feet accompanied by longitudinal sections to the same horizontal scale, but to a vertical scale of 1 inch to 11 feet, showing the natural and intended surface levels of the streets (computed from ordnance or some other fixed datum), and by cross sections to a scale of 1 inch to 22 feet.

The width of the new street to be figured on the plans.

Each street to be marked on the plans with a number, and referred to in the application as street No. 1, street No. 2, etc. In the event of an application being sanctioned, two additional copies of the plans and sections will be required, and the proposed name of each street, identified by reference to the number of the street on
464 the plans, must be submitted in accordance with section 32 of the Act of 1894. (For regulations as to street naming, see page 627.)

Applications for sanction to the formation or laying out of streets, or for the adaptation of ways as streets, are to be accompanied by correct and sufficient particulars in writing (which must be verified by production of title deeds should the Council so require), showing how the persons on whose behalf applications are made have acquired such control over the land forming the sites of the proposed streets shown on the plans accompanying the applications, as may be requisite to enable them to form or lay out such streets, or to adapt such ways as the case may be. Such particulars to include the dates of, and the names and addresses of the parties to, the documents under which such control was secured.

65 (b.) Buildings within the prescribed distance, and buildings in advance of the
459 general line of buildings, etc., sects. 13, 17 and 22 of the Act of 1894, and
530 sects. 3 and 4 of the Act of 1898. *

Plans to a scale of 1 inch to 22 feet showing the situation of the building in relation to others adjacent to a sufficient extent to show the frontage of the street on both sides of the site. The height of the proposed building, its precise distance from the centre of the roadway and the width of the street to be figured.

The names and addresses of the owners and occupiers of the nearest building on each side of the proposed building to be stated.

In the event of an application being approved, an additional copy of the drawings will be required.

460 In the case of an application under sect. 13 (5), the extent and height of the old buildings on the site to be shown to the same scale and a copy of the plans certified by the district surveyor, together with the originals, should be forwarded. The original certified plans will be returned after being compared with the copy.

82 (c.) Open space at the rear of domestic buildings, sect. 41; and open space
465 about working-class dwellings not abutting upon a street, sect. 42 of the
531 Act of 1894 and sect. 4 of the Act of 1898.

A block plan to a scale of 1 inch to 22 feet, showing the proposed building and the adjoining premises, with the approximate heights of any buildings included therein.

Plans and sections to a scale of 1 inch to 8 feet showing the heights of the proposed building in its various parts. The proposed use of each room to be indicated on the

plans. In any case where it is desired to extend a building or any part thereof above the diagonal line referred to in sect. 41 of the Act of 1894, the diagonal line and also the horizontal line from which it is drawn to be shown on the drawings. 466

(d.) Deviations from certified plans of domestic buildings previously existing on old sites, sect. 43 of the Act of 1894. 90 468

A block plan to a scale of 1 inch to 22 feet, showing the proposed building and the adjoining premises, with the approximate heights of any buildings included therein.

Plans and sections to a scale of 1 inch to 8 feet, showing the extent and height of the previously existing buildings certified by the district surveyor, together with plans and sections of the proposed building to the same scale. The area of open space and the height of the new building to be figured, and the proposed use of each room to be indicated on the plans.

(e.) Laying out new streets on a cleared area, sect. 44 of the Act of 1894. 90

A block plan to a scale of 1 inch to 44 feet, showing the width of all old streets on the area, and the extent and approximate heights of all old buildings thereon. 469

Sections to a scale of 1 inch to 8 feet, showing the height of the proposed buildings.

In cases in which the proposed new streets have been sanctioned but not formed the dates of such sanctions to be specified.

In cases in which sanction has not been obtained to the formation or laying out of the proposed new streets, applications for sanction to such streets, in accordance with Regulation No. 2 (a.), should accompany applications under section 44.

Applications cannot be entertained under sect. 44, Part V., for modification or relaxation of any provisions contained in the preceding sections of Part V., except in respect either of existing streets or streets for the formation of which sanction has been obtained under Part II. of the Act of 1894.

(f.) Height of buildings, sects. 47 and 49 of the Act of 1894. 92

A block plan to a scale of 1 inch to 22 feet showing the proposed building and adjacent buildings, and the width of the street. 469

Plans and sections to a scale of 1 inch to 8 feet, showing the heights of the various parts of the building, and the level of the footway (if any) immediately in front of the centre of the face of the building, or, where there is no such footway, the level of the ground before excavation.

(g.) Recesses and openings in external walls and recesses in party walls, sect. 54 of the Act of 1894. 120 471

A block plan to a scale of 1 inch to 22 feet, showing the proposed building and adjacent buildings.

Plans of the building and an elevation of the wall in which the recesses or openings occur to a scale of 1 inch to 8 feet. The sizes of the recesses and openings to be figured, and the method of construction and support of the walls, floors and roof to be shown.

(h.) Timber in external walls, sect. 55; and furnace chimney shafts, sect. 65 of the Act of 1894. 123 143

A block plan to a scale of 1 inch to 22 feet showing the proposed building.

Plans, sections, and elevations to a scale of 1 inch to 8 feet, together with such details to a larger scale as may be necessary to show the construction.

(i.) Projections, sect. 73 of the Act of 1894. 77

In addition to the drawings, etc., required by Regulation No. 2 (b.), a plan, section and side elevation to a scale of 1 inch to 8 feet. In the event of an application being approved an additional copy of the drawings will be required. 127

(j.) Special and temporary buildings and structures—Part VII. of the Act of 1894 and sects. 6 and 7 of the Act of 1898. 145 481

A block plan to a scale of 1 inch to 22 feet showing the position of the proposed building or structure, and of any adjacent buildings or structures.

Plans, sections and elevations of the proposed building or structure to a scale of 1 inch to 8 feet, together with sections and details to a scale sufficiently large to show clearly the construction. The sizes of constructional parts, the weights per foot run and the thicknesses of iron and steel members, and the sizes and pitch of rivets, to be figured and indicated on the plans.

A fee of 5s. must be paid to the cashier of the Council on deposit of an application, and in the event of an application being approved a further fee of 5s. must be paid and an additional copy of the drawings may be required. In no case will the approval or licence be issued until the fees are paid.

Applications for renewal of approvals or licences for temporary buildings or structures for further periods must be accompanied by certificates from district surveyors that there has been no alteration in construction or position. In cases where such buildings or structures have existed for three years or more the district surveyors' certificates must also testify as to their stability for such further periods as may be applied for, and must specify the nature of any repairs that may be considered requisite.

In cases where the buildings or structures have existed for less than three years, if an inspection be merely to ascertain that there has been no alteration in construction or position, and to certify that an extension of time may be allowed, a fee of 10s. may be demanded and received by the district surveyor.

In cases where the buildings or structures have existed for three years or more, and a certificate with regard to structural stability is required, a fee of 20s. may be demanded and received by the district surveyor.

144 } (k.) Buildings for the supply of electricity, sect. 203 of the Act of 1894.

513 } A block plan to a scale of 1 inch to 22 feet, showing the proposed building and adjacent buildings.

Plans and sections to a scale of 1 inch to 8 feet, and details to a scale sufficiently large to show clearly the proposed construction together with a copy of the calculations of the loads and stresses to be provided for.

129 } (l.) Alterations to buildings, sect. 207 ; and conversion of buildings, sect. 211 of
514 } the Act of 1894.

Plans and particulars in sufficient detail to show clearly the nature of the proposed work, alteration, deviation or conversion, accompanied by a statement as to the provisions of the Act from which relief is desired.

132 } (m.) Additional cubical extent, sect. 17 of the Act of 1908.

584 } A block plan to a scale of 1 inch to 22 feet, showing the proposed building and adjacent buildings.

Plans and sections to a scale of 1 inch to 8 feet, showing the heights of the building in its various parts, such heights to be figured ; also showing the materials and construction of (i.) floors, roofs and staircases ; (ii.) enclosures to lifts, hoists, staircases and other vertical shafts ; (iii.) windows, skylights, lantern lights, doors and frames ; (iv.) partitions and screens enclosing rooms and shop windows ; and (v.) the proposed protection of structural iron or steel work.

120 } (n.) Uniting of buildings and the retention of openings in party or external
585 } walls separating buildings, sect. 18 of the Act of 1908.

A block plan to a scale of 1 inch to 22 feet showing the buildings.

Plans and sections to a scale of 1 inch to 8 feet showing the positions of the proposed openings, or the openings proposed to be retained, and the heights of the buildings in their various parts ; also particulars of the construction of (i.) floors, roofs and staircases ; and (ii.) enclosures to lifts, hoists, staircases and other vertical shafts, and the nature of the means of escape.

The nature of the separate occupations in the buildings and the uses to which the various parts of the buildings are proposed to be put to be indicated on the plans.

- (o.) Doors, sliding doors and shutters to openings in party division or external walls and large openings in party division or external walls, sect. 18 of the Act of 1908.

A block plan to a scale of 1 inch to 22 feet showing the buildings.

Plans and sections to a scale of 1 inch to 8 feet showing the position and size of each opening, also particulars of the construction of (i.) floors, roofs and staircases, and (ii.) enclosures to lifts, hoists, staircases and other vertical shafts.

Plans, sections and elevations of the doors, sliding doors and shutters to a scale of 1 inch to 1 foot showing the construction, hanging and method of fastening and operating.

In cases where applications relate to existing buildings, similar particulars of any existing openings in party division or external walls, and of the doors, sliding doors or shutters provided thereto.

- (p.) Buildings of iron and steel skeleton construction. Casing of pillars and girders, girder separators, level of girders, thickness and construction of walls, joints in and between pillars, coating of structural metalwork, wind pressure, pressure on the natural ground and proportions of brick pillars, sect. 22, sub-sect. 34 of the Act of 1909. 161 594

A block plan to a scale of 1 inch to 22 feet showing the proposed building.

Plans, and sections to a scale sufficiently large to show clearly the proposed construction or work, with a copy of the calculations of the loads and stresses to be provided for and particulars of the materials proposed to be used, and such other information as may be required by the Council, together with a statement as to what requirements of the section it is desired should be modified or waived and the reasons for requiring such modification or waiver.

NAMING OF STREETS AND NUMBERING OF HOUSES. PART IV. OF THE ACT OF 1894.

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3. (a.) No name is to be used for a street unless with the approval of the Council previously given, and it should be a name consisting of one word with or without the addition of "street," "road," or other like term.
- (b.) The name should be one that is not already in use in the county; it should, if possible, be in some way associated with the locality.
- (c.) The Council's list of streets and places in the Administrative County of London, together with an office list of available names, arranged under the districts for which they are appropriate, may be consulted by applicants.
- (d.) Only such thoroughfares as may be deemed to be of sufficient length or importance may be designated "roads."
- (e.) The Council will be prepared favourably to consider the use of the terms "avenue" and "grove" conditionally upon the planting and maintenance of suitable trees in the streets in question; other descriptions, such as "gardens," "crescent," "square," etc., may be used only when the terms seem appropriate.
- (f.) Applicants proposing names for large blocks of buildings, *e.g.*, artisans' dwellings, mansions, flats, etc., should have regard to the rules which apply to the naming of streets.
- (g.) The Council should be notified of every name intended to be used as a postal address.
- (h.) Any person or persons setting up any name to any street in London until the expiration of one month after notice of the intention to set up the name has been given to the Council, or setting up any name objected to by the Council under section 32 of the Act of 1894, is liable to a penalty of 40s., with a continuing penalty of 40s. for every day on which the offence continues after conviction.
- (i.) In numbering houses the rules to be observed are as follows:—

St. Paul's Cathedral is recognised as a central point; and the numbering of houses begins at the end or entrance of the street nearest to that building, except where a street leads from a main thoroughfare to a less important street, and then the numbering starts from the main thoroughfare.

Taking, therefore, the sides of a street as left and right (assuming that the

back is towards St. Paul's) the odd numbers will be assigned to the left hand side, and the even numbers to the right hand side.

(Under section 36 of the Act the Council has the power to order "that any houses or buildings in any street or way or any part thereof shall for the purpose of distinguishing the same be marked with such numbers as they shall deem convenient for that purpose." Great inconvenience and expense in re-numbering would frequently be saved if the above rules were observed in the first instance.)

(j.) Any person interested in property affected by any order of the Council for re-naming streets or re-numbering houses is permitted, on application, to make a copy of the order and a tracing of the plan attached thereto; or a certified copy of the order and plan may be furnished to him on his paying the cost of making the same.

(k.) A fee of 1s. is to be charged to all persons seeking information involving a reference to the records with regard to orders for re-naming streets or re-numbering houses.

(l.) If a copy of an order and plan be required, there will be a further fee of not less than 1s. 6d. (see following scale).

Scale of fees to be charged for the provision, under section 38 of the London Building Act, 1894, of copies of orders, with or without plans, in relation to the re-naming of streets and the re-numbering of houses :—

		£	s.	d.
For a copy of an order without a plan, or with a plan showing	3 houses	—	1	6
	4 or 5 houses	—	2	—
	6 „ 7 „	—	2	6
	8 „ 9 „	—	3	—
	10 „ 11 „	—	3	6
	12 „ 13 „	—	4	—
	14 „ 15 „	—	4	6
	16 to 20 „	—	5	—
	21 „ 25 „	—	5	6
	26 „ 30 „	—	6	—
	31 „ 35 „	—	6	6
	36 „ 40 „	—	7	—
	41 „ 45 „	—	7	6
	46 „ 50 „	—	8	—
	51 „ 75 „	—	10	6
	76 „ 100 „	—	12	6
For a copy of an order with a plan showing	101 „ 150 „	—	15	—
	151 „ 200 „	—	17	6
	201 „ 300 „	1	—	—

(m.) A more extended plan may be obtained for a larger payment.

(n.) Copies of orders and plans are to be made in the superintending architect's department.

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DWELLING-HOUSES ON LOW-LYING LANDS. PART XI. OF THE ACT OF 1894.

4.—(a.) Every person who shall be desirous of erecting or adapting any building to be used wholly or in part as a dwelling-house on any land in the county of London, of which the surface is below the level of Trinity high-water mark, and which is so situate as not to admit of being drained by gravitation into an existing sewer of the Council, shall first make a written application for a licence. Such application shall be addressed to the clerk of the Council.

(b.) Such application shall contain a statement as to the nature and extent of the interest of the applicant in the building or buildings proposed to be erected or adapted, and be accompanied by a plan and section of the lowest floor of such building or buildings and the curtilages thereof, to a scale of $\frac{1}{4}$ th of an inch to a foot, and by a block plan to a scale of not less than $\frac{1}{2500}$ (which may be on a sheet or sheets of the Ordnance Survey, or may be drawn on tracing linen),

showing the position of such building or buildings, and the local sewer into which it is proposed to drain such building or buildings and the connection of such local sewer with an existing sewer of the Council.

- (c.) Such plans and sections shall be accompanied by a description of the materials to be used in the construction of such building or buildings, and shall be coloured in accordance therewith. The points of the compass shall be marked on the block plan.
- (d.) The position and course of the drainage system proposed to be adopted for the disposal of sewage and rain water, and its connection with the local sewer or an existing sewer of the Council, shall be clearly shown on the plans and sections, and the diameter and inclination of the drain pipes shall be figured thereon.
- (e.) The plan and section shall also indicate in figures the level above or below Ordnance datum at which it is proposed to construct the floor of the lowest rooms.
- (f.) The decision given by the chief engineer of the Council upon such application shall be reported to the Building Acts Committee, and the Committee shall report it to the Council, and, thereupon, if it is to the effect that the erection or adaptation may not be permitted, the clerk of the Council shall by letter inform the applicant that the Council, acting upon the decision of the engineer, has refused permission. If it is to the effect that the erection or adaptation may be permitted, a licence under the seal of the Council embodying the conditions of the engineer's decision shall be issued to the applicant.

(The above regulations were made by the Council on the 26th day of March, 1895, under section 123 of the Act of 1894, and the concurrence of the Tribunal of Appeal was duly signified thereto on the 8th day of April, 1895.)

- (g.) It shall not be lawful to place the underside of the lowest floor of any permitted building at such a level as will render it liable to flooding, and every permitted building shall be efficiently and properly drained to the satisfaction of the engineer for the time being of the Council, either into a local sewer or into a main sewer of the Council. (This regulation was made by the Council on 26th March, 1895, under section 122 of the Act of 1894.)

REGULATIONS WITH REGARD TO APPLICATIONS AND CONSENTS UNDER THE LONDON BUILDING ACTS, 1894 AND 1898 ; PROCEDURE UNDER PART IX. OF THE ACT OF 1894 ; AND THE APPOINTMENT OF, AND FEES PAYABLE TO, DISTRICT SURVEYORS. 227

CONDITIONS UPON WHICH APPLICATIONS MAY BE GRANTED.

- 5.—(a.) In dealing with applications made under the London Building Act, 1894, and the amending Act of 1898, with reference to the undermentioned matters, the desirableness of imposing conditions to the following effect shall be considered by the Building Acts Committee, but this order shall not limit any power to vary such conditions or to impose such conditions in other matters than those mentioned, or to impose any other conditions in any matter—

In the matter of the formation or laying out of proposed streets—

(i.) That within from the date of this order the proposed street hereby sanctioned shall be clearly defined throughout by posts and rails, or so otherwise as the Council shall permit, and be thrown open as a public highway, free from obstructions except such builders' materials as the Council may, during such period as it thinks fit, permit to be stored upon such street.

(ii.) That no building shall be commenced to be erected on either side of, or upon a site abutting upon, or approached by or from such proposed street, unless such proposed street shall have been and shall still remain so defined and thrown open as aforesaid, and unless the roadway and footways of such proposed street shall have been so made, and shall be throughout as regards levels, direction, width and gradients so as to comply with the provisions of any statutes and by-laws in force in London regulating streets and buildings, and so as to accord with the said plans and sections, and

with the particulars which accompanied the application for the sanction contained in this order, and unless the name of the street shall have been approved by the Council, and as so approved shall have been affixed and shall be retained at both ends of the street.

(iii.) That if at the expiration of the period specified in condition (i.) the said condition (i.) has not been complied with, this order and the sanction thereby given shall be null and void.

In the matter of the erection of one-storey shops in advance of the general line of buildings—

(iv.) That no part of the proposed shop or any structure or erection connected therewith do exceed 16 feet in height above the footway, or such other height as may be fixed by the Council.

In the matter of temporary buildings or structures dealt with under Part VII.—

(v.) That the building or structure be commenced and completed within such periods as may be deemed expedient.

(vi.) That if the building or structure be commenced or completed contrary to condition (v.), or be found at any time to have been so erected, set up, altered or adapted as not to be in all respects in accordance with the application for the approval or licence, and with the plans and particulars relating to such application, or (when approved or licensed for a special purpose) to have been used for any purpose other than a purpose named in the approval or licence, or to have had any unauthorized addition made thereto, or any word, advertisement or device made or retained thereon, such building or structure shall within seven days after service on any owner or occupier thereof for the time being of a notice from the Council requiring its removal, be entirely removed.

In any matter in which land is to be given up—

(vii.) That before the building is erected or within such period as may be named in the sanction, consent, licence or approval, the land coloured blue on the deposited plan shall be thrown into the public way and dedicated to and left open for the use of the public, and that no pier, pilaster or other projection be placed on such land.

(viii.) That no vault, arch, cellar or other construction shall be made in or under the said land coloured blue on the said plan without the previous consent in writing of the local authority.

And in all matters other than the formation and laying out of proposed streets—

(ix.) That the building, structure, or work be set up, erected or carried out, as the case may be, and retained without any addition thereto and in exact accordance with the application for the sanction, consent, licence or approval, and with the plans and particulars which accompanied such application.

(b.) No sanction, consent, licence or approval shall be issued until the conditions imposed by the Council in granting the same have been, if the Council so require, accepted in writing by such persons as the Council shall consider the proper parties to comply with such conditions.

(c.) Every written acceptance of conditions shall have a sixpenny stamp affixed thereto.

6.—Whenever plans of new streets to be laid out for foot traffic only are sanctioned a condition is to be attached binding the applicant to pave the street over the entire surface, and by posts, bars or otherwise, to prevent such street from being used for carriage traffic.

G. L. GOMME,
Clerk of the Council.

County Hall,
Spring Gardens, S.W.,
February, 1910.

REGULATIONS: CUBICAL EXTENT, &c.

REGULATIONS WITH REGARD TO APPLICATIONS UNDER PART III. OF THE LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1908. 132
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ADDITIONAL CUBICAL EXTENT.

1.—No application for consent to the provision of additional cubical extent shall be entertained in respect of a building which is or is to be in more than one occupation.

2.—All consents shall be subject to such fire-extinguishing appliances being provided as may in the opinion of the Council be necessary, and to direct telephonic communication being established with a London Fire Brigade station if required by the Council.

3.—Particulars of the methods of heating, lighting and ventilation proposed to be adopted shall be submitted.

4.—Arrangements for lessening the danger from fire in premises in respect of which consent is given shall be properly maintained. Premises will be liable to inspection by the chief officer of the London Fire Brigade to ensure such proper maintenance.

5.—In dealing with applications in respect of buildings of the various classes set out hereunder, the following principles shall be considered in conjunction therewith. In any case they may be varied or other conditions imposed, as the Council thinks fit. These regulations are to be considered in conjunction with the provisions of the Act, and in no way as a modification of those provisions. 134

(A.) As regards buildings not more than one storey in height in one occupation and used exclusively for the manufacture of boilers or machinery in metal, and for all kinds of metal work in connection with metal-framed structures, such cubical extent may be allowed as may in the opinion of the Council be reasonable, having regard to the circumstances of the case, provided that—

(i.) The building be more than two miles distant from St. Paul's Cathedral if the operations of smelting or melting be carried on therein.

(ii.) The building, including fittings and fixtures, but excluding doors, windows, skylights, lantern lights and their frames, be constructed throughout of incombustible materials.

(iii.) Any portion of the building used for the manufacture or storage of oils or varnishes, moulds, models, frames, patterns or other substances or articles of a combustible nature, be properly and efficiently separated from, and not included in, the portion of the building in respect of which additional cubical extent may be allowed and do not exceed the limits prescribed in the Act.

(B.) As regards buildings of more than one storey in height in one occupation and used exclusively for the use, manufacture or storage of non-inflammable or fire-resisting or incombustible materials, such cubical extent may be allowed as may in the opinion of the Council be reasonable, having regard to the circumstances of the case, provided that—

(i.) The height of the building do not exceed 60 feet, measured from the pavement level to the upper surface of the floor of the topmost storey.

(ii.) The building be not less than 40 feet from any other building, except where it is entirely separated therefrom by an imperforate wall of the thickness required by the London Building Act, 1894, and of the full height of the higher building throughout.

(iii.) The building be constructed throughout of incombustible material, and the doors, windows, skylights, lantern lights and their frames be constructed of fire-resisting materials.

(iv.) All floors be imperforate except as hereinafter provided, and be furnished with scuppers to carry off water poured on during a fire.

(v.) All constructional ironwork below the level of the surface of the floor of the topmost storey be protected by not less than two inches of incombustible material.

(vi.) All openings in the external walls or roofs, excepting staircase windows and shop windows on the ground floor when the show spaces are separated from the main building by fire-resisting enclosures, be fitted with fire-resisting frames filled in with fire-resisting doors, shutters or glazing, a sufficient portion of the filling of the openings above the ground storey being made so as to be easily opened from the outside in order to facilitate the ingress of firemen.

(vii.) Vertical shafts for staircases, staircase enclosures, lifts, hoists, shafts or trunks for pipes or wires, and other leads and horizontal ducts, be properly and efficiently separated by walls and fire-resisting doors from the divisions in respect of which additional cubical extent is required, and from any other division communicating therewith, and be so arranged that the access to such shafts or ducts from any floor shall be provided with a secondary incombustible enclosure with self-closing fire-resisting doors.

(viii.) If any vertical shafts be roofed, the roofs be constructed of light frames, filled in with thin glass and protected on the outside by strong wire guards, and the shafts be carried up not less than three feet above any adjoining roofs.

In the case of a shaft not carried up to and through the roof, it be sealed over at the top with solid incombustible material not less than six inches thick.

(ix.) All horizontal trunks, ducts, etc., be enclosed with solid incombustible material not less than three inches thick.

(x.) Any portion of the building used for packing or for the storage of packages be properly and efficiently separated from the portion of the building in respect of which additional cubic extent may be allowed.

(xi.) When the building is more than two storeys above the ground storey, and the total extent between party walls exceeds one million cubic feet, there be provided at least one unenclosed staircase constructed of brick and concrete, affording access to all floors and the roof through the outer air, without any internal communication with the building.

(xii.) If the building exceed 250,000 cubic feet, $\frac{1}{4}$ th at least of the total length of the boundaries of the site do abut upon a thoroughfare or thoroughfares not less than 40 feet wide.

If the building exceed 1,000,000 cubic feet, $\frac{1}{4}$ th at least of the total length of the boundaries of the site do abut upon a thoroughfare or thoroughfares not less than 40 feet wide.

If the building exceed 2,000,000 cubic feet, $\frac{1}{2}$ at least of the total length of the boundaries of the site do abut upon a thoroughfare or thoroughfares not less than 40 feet wide.

If the building exceed 3,000,000 cubic feet, $\frac{3}{4}$ ths at least of the total length of the boundaries of the site do abut upon a thoroughfare or thoroughfares not less than 40 feet wide.

If the building exceed 4,000,000 cubic feet, the site be an island site.

(c.) As regards buildings of more than one storey in height in one occupation and used for the sale and storage or manufacture, but not for storage purposes only, of goods of a non-fire-resisting nature, or used for the purposes of a trade involving the use of materials of a non-fire-resisting nature, additional cubical extent may be allowed, subject to the provisoes (i.) to (xii.) set out in paragraph (b.), and provided also that—

(xiii.) The basements be entirely cut off from the ground floor and upper floors of the building and approached only by a separate means of access from the outside of the building.

(xiv.) Any lifts from the basements be adjacent to an external wall or do have no internal communication with the storeys above.

(xv.) No division or cell on any floor formed by the vertical and horizontal separations do exceed 250,000 cubic feet, and the floor area of such division or cell do not exceed 20,000 square feet.

(xvi.) Every floor be of the thickness required by the Council, such thickness not being less than six inches.

(D.) As regards buildings of not more than three storeys in height in one occupation and used as motor garages or car-sheds, or for other similar purposes, such cubical extent may be allowed as may in the opinion of the Council be reasonable, having regard to the circumstances of the case, provided that—

(i.) The building be constructed throughout of incombustible materials, and be completely separated by imperforate walls from adjoining properties.

(ii.) Any store for petrol be completely separated from the main building.

(iii.) Any portion of the main building used for the manufacture or storage of varnishes or oils, or moulds, models, frames, patterns or other substances or articles of a combustible nature be properly and efficiently separated from and not included in the portion for which additional cubical extent may be allowed and do not exceed the limits prescribed in the Act.

OPENINGS IN PARTY WALLS.

6.—Applications for consent to openings larger than those allowed by the Act in party walls separating divisions of cubical extent will not be entertained unless the buildings affected be constructed throughout of incombustible materials, and unless— 122

(i.) The openings be fitted with double doors or shutters in accordance with the provisions of the Act at a distance apart of not less than one-fourth of the full width of the proposed opening.

(ii.) The width of all such openings taken together on each floor do not exceed one-half of the length of the party wall on each floor in which they occur.

UNITING OF BUILDINGS.

7.—Applications for consent to the uniting of buildings of the warehouse class with buildings of the same class or with any other buildings, either or both being in different occupations, will not be entertained when the combined cubical extent of the buildings to be united exceeds 250,000 cubic feet. 121

G. L. GOMME,
Clerk of the Council.

County Hall,
Spring Gardens, S.W.
February, 1910.

PLACES OF PUBLIC RESORT: GENERAL REGULATIONS.

REGULATIONS MADE BY THE LONDON COUNTY COUNCIL ON 30TH JULY, 1901, AND AMENDED 136
ON 13TH NOVEMBER, 1906, UNDER THE METROPOLIS MANAGEMENT AND BUILDING ACTS 193
AMENDMENT ACT, 1878, WITH RESPECT TO THE REQUIREMENTS FOR THE PROTECTION 399
FROM FIRE OF THEATRES, HOUSES, ROOMS AND OTHER PLACES OF PUBLIC RESORT WITHIN
THE ADMINISTRATIVE COUNTY OF LONDON.

LIMITS OF REGULATIONS.

These regulations shall, unless otherwise specified, apply to all theatres, houses, rooms, or other places of public resort within the Administrative County of London, to be hereafter constructed and to be kept open for the public performance of stage-plays, and to all houses, rooms, or other places of public resort within the said county, to be hereafter constructed and to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from His Majesty the King, his heirs or successors, or of licences by the Lord Chamberlain of His Majesty's Household, or by the London County Council. 319

INTERPRETATION OF "SUCH PREMISES."

In these regulations the expression "such premises" means a theatre, house, room, or other place of public resort to be kept open for any of the purposes aforesaid.

APPLICATION FOR CERTIFICATE.

- 137 1. Every person who shall be desirous of obtaining authority to open any such premises within the said county, shall first make public his intention to erect such premises by exhibiting a notice-board on the proposed site in such a position that
658 it can be plainly seen from the public way, or by advertisement in three newspapers circulating generally throughout the county or throughout the locality in which it is proposed to erect such premises, and shall then make an application in writing to the clerk of the council for a certificate under the Metropolis Management and Building Acts Amendment Act, 1878. For the purposes of the advertisement, differently dated issues of one paper shall count as different papers. The notice-board shall be maintained until the application has been dealt with by the Council. No application will be considered before the expiration of one fortnight after the receipt by the clerk of the Council of a copy of the notice exhibited on the site or of each of the newspapers containing the advertisement.

STATEMENT.

The application shall contain a statement as to the nature and extent of the interest of such person in such premises, and the character of the entertainment for which such premises are proposed to be used. The application shall be accompanied by complete plans, elevations and sections in duplicate, drawn on the dull side of tracing linen, to a scale of $\frac{1}{8}$ th of an inch to a foot; and by a block plan on a separate sheet showing the position of such premises in relation to any adjacent premises, and to the public thoroughfares upon which the site of such premises abuts, drawn to a scale of not less than $\frac{1}{32}$ th of an inch to a foot.

DRAWINGS.

A plan and section of the drains proposed to be laid down from such premises shall be submitted at the same time, and such plan shall indicate the sewer or sewers to which the drains are to be connected, and the section shall show the surface level of the street, the level of the lowest portion of the premises which is to be drained, and the level of the sewer or sewers. All levels shall be given in relation to Ordnance datum.

All drawings shall be coloured to distinguish the materials employed in the construction of the building.

The width of all staircases, and the number of stairs in each, the width of corridors, gangways, and doorways, together with the heights of the tiers, and other parts of such premises shall be indicated on such drawings.

SPECIFICATION.

The thickness of the walls, and scantlings of the various materials shall be clearly shown on such drawings by figured dimensions.

The cardinal points shall be marked upon each plan.

The plans shall show the respective numbers of persons to be accommodated in the various parts of such premises, and the area to be assigned to each person, and shall be accompanied by a specification of the works to be executed, describing such of the materials to be employed and the mode of construction to be adopted, as may be necessary to enable the Council to judge whether the requirements of these regulations will, when such premises have been completed, be complied with.

In the case of schools and halls used for parochial or mission purposes, and having a superficial area for the accommodation of the public of not more than 1,000 square feet, elaborate drawings will not be required, but sufficient detail shall be given to indicate the part of the premises to be used for public entertainments and the surroundings.

One copy of such drawings and specification will be returned to the applicant, if it is so desired, but the other copy shall remain the property of the Council.

SITE.

2. One-half at least of the total length of the boundaries of the site of any such premises which consist of an entire building, and in case of a room or other such premises not consisting of an entire building, one-half at least of the total length of the boundaries of the site of the building of which such room or other such premises form part shall abut upon or front to public thoroughfares, of which one thoroughfare at least shall not be less than 40 feet wide and of the remainder none shall be less than 30 feet wide if a carriageway, or 20 feet wide if a footway. These widths shall continue for the whole length of the roads between the nearest thoroughfares in each direction connecting therewith. The frontage of the site to a thoroughfare not less than 40 feet wide shall not be less than one-sixth of the total length of the boundaries of the site. 137

If, in order to comply with No. 10 of these Regulations, an additional passage or way should be necessary, it may be provided by means of a private passage or way. 140

Such passage or way shall not be less than 10 feet wide and shall be under the complete control of the owner of such premises, and, if less than 20 feet wide, no doors or other openings of the adjoining premises shall communicate therewith or overlook any portion of such passage or way.

NO THEATRE, ETC., UNDER OR OVER ANY OTHER BUILDING.

3. No such premises, in which a stage will be erected and in which scenery will be used, shall be constructed underneath, or on the top of, any part of any other building, nor shall such premises contain living-rooms. 138

WALLS (OPENINGS IN AND WINDOWS OVERLOOKING).

4. No openings shall be allowed in the walls or roof of such premises within 20 feet of any adjoining property unless a brick wall of the thickness prescribed by the Building Act be erected between such premises and the adjoining property to such a height that no part of any opening either in such premises or in any building which may be erected on such adjoining property shall be higher than the part of the wall immediately opposite to it. A similar wall shall be erected between any openings in such premises and any inflammable structure, erection, or material on any adjoining property. 138

WALLS (EXTERNAL), ETC.

5. All such premises shall be enclosed with proper external or party walls of brick or stone.

The thickness of all external or party or cross walls shall not be less than the thickness prescribed by the London Building Act, 1894 (clause 12 of Part II. of the First Schedule to such Act excepted) for walls of similar height and length in buildings of the warehouse class, or such greater thickness as shall be required by the district surveyor, or the Tribunal of Appeal, under section 78 of the London Building Act, 1894. 116 520

Where such premises are part of another building they shall be cut off from such other building by party walls and party structures of fire-resisting materials in a manner to be approved by the Council, and no part of such premises shall overlook any portion of the adjoining part which may be liable to communicate fire to such premises. 569

FLOORS, TIERS, AND ROOF.

6. In all such premises the floors, tiers and roof of the auditorium, and all parts used by the public, shall be constructed of fire-resisting materials to the satisfaction of the Council, and the flooring, if of wood and not laid on solid foundations, shall be laid with iron tongues. 138

TIERS (NUMBER OF).

- 138 7. Except in exceptional circumstances, no such premises shall have more than two¹ tiers or horizontal divisions, including the gallery, above the level of the pit.

Where the front seats of any tier are separated from the other seats by a partition, such seats shall not count for the purpose of this Regulation as a separate tier.

TIERS (HEIGHT OF).

8. Where the first tier or balcony of such premises extends over the pit, stalls, or area, the height between the floor of the pit and the first tier shall not be at any part less than 10 feet; the height between the floor of the highest part of the gallery and the lowest part of the ceiling over the same shall not be less than 12 feet. The height between the tiers shall in no case be less than 8 feet.

PIT (FLOOR OF).

9. In all such premises the floor of the highest part of the pit, or of the stalls, where there is no pit, shall not be more than six inches above the level of the street at the principal entrance to the pit, and the lowest part of the floor of the pit or stalls shall not be lower than the level at which it can be effectually drained by gravitation into a public sewer, nor more than 15 feet below the level of the street at the principal entrance to the pit.

PIT, ETC. (DRAINAGE).

In any case the lowest floor shall not be placed at such a level as will render it liable to flooding, and such premises shall be efficiently and properly drained to the satisfaction of the Council.

ENTRANCE AND EXITS.

- 140 10. In all such premises two separate exits shall be provided from every tier or floor which accommodates not more than 500 persons, and where a tier or floor accommodates more than 500 persons, an additional exit shall be provided for every 250 or part of 250 persons above 500. Each of such exits shall be not less than 5 feet wide between the walls at any point or between the leaves of the doors when open. Two of the exits from each tier or floor shall deliver into different thoroughfares or ways.

In the case of a tier or floor not accommodating more than 300 persons two 4-foot exits will be required.

If any tier or floor shall be divided into two or more parts, exits as set out above shall be provided from each of such parts.

In calculating the number of persons which can be accommodated in any tier or part of a tier of such premises, the standing space from which a view of the performance can be obtained (with the exception of that afforded by the intersecting gangways²) will be considered, as well as the seated area.

Exits shall be arranged so as to afford a ready means of egress from all parts of each tier or floor, and shall lead directly into a thoroughfare or way.

It shall be compulsory on the management of such premises to allow the public to leave by all exit doors.

CORRIDORS, PASSAGES, ETC.

11. Every lobby, corridor or passage in such premises intended for the use of the audience shall be formed of fire-resisting materials, and shall be at the narrowest point when finished of the widths specified in No. 10 of the Regulations for exits.

Where possible, inclines shall be used instead of steps, but no corridor, passage or gangway, shall be inclined to a steeper gradient than 1 in 10.

There shall be no recesses or projections in the walls of such corridors or passages within 5 feet of the floor.

¹ Altered from "three" to "two," and slope limited to 35 degrees, by order of the Council on 28th February, 1911.

² The words in brackets were inserted by order of the Council on 4th February, 1908.

VESTIBULES.

12. Where vestibules are provided in such premises not more than three tiers or floors or (where such tiers or floors are divided into two or more parts) not more than three of such parts of tiers or floors shall communicate with one vestibule.

The aggregate width of all the doorways or passages that lead from a vestibule towards a thoroughfare or way, shall be at least one-third greater than the aggregate width of all the exits required by the Regulations that lead to such vestibule.

CLOAK ROOMS.

13. The corridors in such premises shall not be used as cloak rooms, and no pegs for hanging hats and cloaks shall be allowed therein.

Where cloak rooms are provided, they shall be so situated that the persons using them shall not interfere with the free use of any exit way.

STAIRCASES.

14. All staircases in such premises intended for the use of the audience from any tier or part of a tier accommodating not more than 300 persons shall be at least 4 feet wide at their narrowest parts, and those intended for the use of the audience from any tier or part of a tier accommodating more than 300 persons shall be at least 5 feet wide at their narrowest parts. 140

All such staircases shall have solid square (as distinguished from spandril) steps and landings of York or other approved stone, or of such other fire-resisting material and construction as the Council may in any special case approve, with treads not less than 11 inches wide and with risers not more than 6 inches high (each lapping at least 1 inch over the back edge of the step below it), without winders, in flights of not more than 15 or less than 3 steps each.

The treads and risers of each flight of steps shall be of uniform width and height, and the steps shall be pinned into brick walls at both ends.

The several flights of such steps shall be properly supported and enclosed to the satisfaction of the Council.

No staircase shall have more than 2 flights of 15 steps each without a turn, the depth of the landing between such flights being at least the same as the width of the staircase.

All landings shall be 6 inches thick.

Every staircase shall have a roof of fire-resisting materials to be approved by the Council.

A continuous and uninterrupted handrail shall be fixed on both sides of all steps and landings, supported by strong metal brackets built into the wall, but such handrails shall not project more than 3 inches.

Where the flights of steps return, the newel wall shall be chased so as to allow the handrail to turn without projecting over the landing.

There shall be no recesses or projections in the walls of such staircase within 5 feet of the floor, and any gas or electric light fittings shall be at least 6 feet 8 inches above the steps or landings.

DOORS AND FASTENINGS.

15. All doors in such premises used by the public as exit doors shall, except where otherwise approved, be hung in two folds and be made to open outwards towards the thoroughfare or way.

All internal doors shall be hung so as not to obstruct, when open, any gangway, passage, staircase, or landing.

No doors shall open immediately upon a flight of steps, but a square landing at least 3 feet in width shall be provided between such steps and such doorway.

All exit doors, having fastenings, shall be fastened by automatic bolts only, of a pattern and in a position to be approved by the Council; but where such doors are also to be used by the public for entrances they may be fitted with lever or other

approved fastenings in approved positions. Doors so fitted, however, must not be fastened during the presence of the public.

All doors and all gates used for entrances, shall be made to open both ways, and shall, when opened inwards, be so fitted that they can be locked back against the wall in such a manner as to require a key to release them.

All doors leading from exit passages, staircases or corridors to the other parts of the building shall be hung so as to be closed by the stream of persons passing from the auditorium to the street, and be fitted with springs. No door handles or other fittings shall project into exit ways more than 1 inch when the doors are open.

All barriers and internal exit doors shall be made to swing or to open outwards, with no other fastenings than automatic bolts.

No locks, monkey-tail, flush or barrel bolts, or locking bars, or other obstructions to exit, other than as before mentioned, shall be fitted on any doors, gates or barriers.

EXIT, ETC., NOTICES.

16. All exit and other doors or openings in such premises used by the public for the purposes of exit shall be indicated by notices clearly painted to the satisfaction of the Council in 7-inch letters.

Such notices shall where possible be painted over such doors or openings at a height of at least 6 feet 9 inches above the floor.

The words "No exit" shall be clearly painted to the satisfaction of the Council in 7-inch letters at least 6 feet 9 inches above the floor, over all doors or openings which are in sight of the audience, but which do not lead to exits.

GANGWAYS.

17. Passages or gangways not less than 3 feet 6 inches wide shall be formed leading direct to the exit doors, and gangways 3 feet 6 inches wide shall be provided intersecting the rows of seating in such a manner that no seat shall be more than 10 feet from a gangway measured in the line of the seating.

ENCLOSURES.

18. No enclosure shall be allowed in any such premises where the public can assemble for any other purpose than to view the performance, except so far as the Council shall consider necessary for the provision of refreshment bars, or in the case of a theatre for the provision of a foyer.

SEATING.

- 138 19. The seating area assigned to each person shall not be less than 2 feet deep and 1 foot 6 inches wide in all parts of the house where no backs or arms are provided to the seats, and not less than 2 feet 4 inches deep by 1 foot 8 inches wide where backs or arms are provided. In all cases, however, there shall be a space of at least 1 foot in depth between the front of one seat and the back of the next measured between perpendiculars.

CHAIRS.

- 139 20. Where chairs are used in such premises, they shall be battened together at a distance of not less than 1 foot 8 inches from centre to centre where they have arms, and 1 foot 6 inches where they are without arms, and in lengths of not less than four or more than twelve in a section.

PROSCENIUM (WALL).

21. In all such premises where a stage with a proscenium will be erected, such stage shall be separated from the auditorium by a brick proscenium wall not less than 13 inches in thickness, and such wall shall be carried up the full thickness to a height of at least 3 feet above the roof, such height being measured at right angles to the slope of the roof, and shall be carried down below the stage to a solid foundation.

PROSCENIUM (OPENINGS).

Not more than three openings shall be formed in the proscenium wall, exclusive of the proscenium opening. 139

No such opening shall exceed 20 square feet in area. Each of such openings shall be closed with a wrought iron door not less than $\frac{1}{4}$ th of an inch thick in the panel, hung in a wrought iron frame, so as to close of itself without a spring, and with a 3-inch lap or with such other fire-resisting door and frame as may be approved by the Council.

No openings formed in the proscenium wall shall, at the lowest part, be at a higher level than 3 feet above the floor of the stage.

PROSCENIUM (DECORATIONS).

All the decorations around the proscenium opening shall be constructed of fire-resisting materials.

STAGE (EXIT).

A separate exit shall be provided from the stage direct to a thoroughfare or way.

STAGE (LIGHTING).

Wherever possible electric light shall be the only illuminant used for the stage.

PROSCENIUM (SCREEN).

22. The proscenium opening shall be provided with a fire-resisting screen to be used as a drop curtain, of such pattern, construction, and gearing, and with such arrangements for pouring water upon the surface of the screen which is towards the stage, as may be approved by the Council.

STAGE (ROOF OVER).

23. The space above the stage shall be of sufficient height to allow of all scenes and of the fire-resisting screen being raised above the top of the proscenium opening in one piece and without rolling. 139

The roof over the stage shall not be of fire-resisting material or heavy construction, and shall be provided with an opening at the back thereof equal at the base to $\frac{1}{10}$ th the area of the stage. Such opening shall be glazed at the top and sides with sheet glass not more than $\frac{1}{8}$ th of an inch in thickness, and be capable of being opened by the action of lowering the fire-resisting screen or by the cutting or burning of a cord, to an extent equal at least to the superficial area required at the base of the opening. Suitable exhaust cowls shall also be provided on the stage roof.

FLIES.

24. The floors of the flies of such premises shall be constructed of fire-resisting materials to the satisfaction of the Council.

GRIDIRON.

Adequate means of escape shall be provided from the flies and the gridiron to the satisfaction of the Council.

DRESSING-ROOMS.

25. Dressing-rooms shall be arranged in a separate block of buildings, or divided from such premises by party walls, with only such means of communication therewith as may be approved by the Council.

All dressing-rooms and staircases leading thereto shall be constructed of fire-resisting materials, and shall be connected with an independent exit leading directly into a thoroughfare or way.

All dressing-rooms shall be adequately ventilated to the outer air by windows in the external walls.

No decoration, or construction for the purpose of decoration, shall be employed in

such dressing-rooms which does not adhere without any cavities to the surface of the wall.

No dressing-room shall be situated more than one storey below the street level.

The exit doors from the dressing-room block shall be fitted with automatic bolts only.

- 140 Sufficient and separate water-closet accommodation shall be provided for the use of the male and female artistes and orchestra, and urinal accommodation for the use of males. Such water-closets shall be constructed and arranged to the satisfaction of the local sanitary authority.

WORKSHOPS, ETC.

- 139 26. All workshops, store-rooms, wardrobe or painting-rooms, in connection with such premises, shall be separated from such premises and from each other by brick walls not less than 9 inches thick, and shall be placed in positions to be approved by the Council.

All openings in such walls shall be closed by fire-resisting doors as described in No. 21 of these Regulations. Such doors may, however, be of such greater size as the Council may approve.

All such doors, if consisting of a single fold, shall be made to overlap the door frame at least three inches when closed; and, if made in two folds, such folds shall overlap each other, when closed, at least three inches.

All floors and ceilings of such rooms shall be formed of fire-resisting materials.

All such rooms shall be ventilated by windows in the outer walls or otherwise to the satisfaction of the Council.

Sufficient and separate water-closet accommodation shall be provided for the use of the male and female workpeople, and urinal accommodation for the use of the male workpeople. Such water-closets shall be constructed and arranged to the satisfaction of the local sanitary authority.

LIMELIGHT TANKS, BOILERS, AND DYNAMOS.

27. All limelight tanks, boilers with engines, and dynamos with engines in connection with such premises, shall be placed in ventilated chambers or buildings of fire-proof construction.

Such chambers or buildings shall be separated from such premises, and from each other, by brick walls and fire-proof floors, and shall be enclosed upon one or more sides by external walls.

All openings between such premises and such chambers or buildings shall be fitted with fire-resisting doors as described in No. 21 of these Regulations; such doors, however, may be of such greater size as the Council may approve.

SCENE STORE, ETC.

28. All scene stores and property rooms in connection with such premises shall be enclosed by brick walls not less than 9 inches thick, and shall have floors and ceilings of fire-resisting materials.

All openings from such scene stores and property rooms to such premises shall be closed by fire-resisting doors as described in No. 21 of these Regulations; such doors may, however, be of such greater size as the Council may approve.

IRONWORK.

- 138 29. All constructional ironwork in such premises shall, if considered necessary, be embedded in fire-resisting materials in a manner to be approved by the Council.

INFLAMMABLE LININGS, ETC.

30. No soft wood or other inflammable wall linings, partitions, screens, or barriers shall be used in any part of such premises, and no cavities shall be left behind any linings. All woodwork of the stage shall be rendered non-inflammable or be hard wood.

SKYLIGHTS, ETC.

31. All skylights, and lantern lights in such premises which may be liable to be broken shall be protected by stout galvanised iron-wire guards, securely fixed on the outside of such skylights or lantern lights.

GAS.

32. All such premises when lighted by gas shall have separate and distinct gas services and meters as follows—

- (a.) To the stage (wherever possible electric light shall be used) ;
- (b.) To the auditorium ;
- (c.) To the staircases, corridors, and exits.

Such meters shall be placed in properly ventilated chambers of fireproof construction, the openings to which shall be fitted with fire-resisting doors as described in No. 21 of these Regulations.

All gas brackets shall be fixed without joints ; and all burners within reach of the audience shall be fitted with secret taps, and shall be efficiently protected by glass or wire globes.

All gas burners within 3 feet of inflammable ceilings shall be fitted with consumers of unflammable material to distribute the heat.

All gas pipes shall be made of iron or brass.

Where there is to be a stage or where scenery is to be used, the footlights or floats shall be protected by fixed wire guards.

The rows and lines, and gas burners in the wings (which must commence 4 feet at least from the level of the stage) shall be protected by fixed iron-wire guards.

All battens shall be hung by at least three wire ropes, and shall be protected at the back by a solid metal guard and wire fixed to a stiff iron frame at such a distance from the gas jets that no part of the scenery or decoration can become heated.

All movable lights shall be fitted with flexible tubes, and the gas in every case shall be capable of being turned off by the tap on the stage as well as by that on the flexible tube.

All flexible tubes shall be of sufficient strength to resist pressure from without.

An indicating gas plate shall be provided at a convenient place at the side of the stage. A stop cock shall be provided outside such premises in order that the supply of gas may be cut off when necessary.

ADDITIONAL MEANS OF LIGHTING.

33. Additional means of lighting in such premises for use in the event of the gas or the electric light being extinguished, shall be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council properly secured to an unflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (a) a complete installation of both gas and electric light, or (b) two complete systems of electric lighting from separate companies, or (c) two complete systems from one company if specially approved by the Council for the purposes of these Regulations. In cases (b) and (c), however, the exit notices shall be provided with independent means of lighting or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages, and exits (including the exit notices) shall be kept alight during the whole time the public are in such premises.

No mineral oils shall be used in oil lamps.

SUN BURNER.

34. If there be a sun burner in such premises it shall be provided with a pilot light, which shall be placed so that such sun burner can be lighted from the stage.

VENTILATION.

35. All parts of such premises shall be properly and sufficiently ventilated in a manner to be approved by the Council.

All openings for ventilation shall be shown on the plans, and described in the specification, which shall be submitted to the Council for its approval.

WATER-CLOSETS, ETC.

- 140 36. Each part of all such premises used by the public shall be provided with sufficient and separate water-closet accommodation for the use of males and females, and urinal accommodation for the use of males. Such water-closets and urinals shall be constructed and arranged to the satisfaction of the local sanitary authority.

HYDRANTS, ETC.

37. All such premises shall be provided with a sufficient number of hydrants, each of a diameter of not less than $2\frac{1}{2}$ inches; such hydrants shall be connected by, at least, a 3-inch main with a water company's high pressure street main.

Where such premises contain a large superficial area for the accommodation of the public, the size of the main supplying the hydrants shall be determined by the Council. A pressure of at least 30 lbs. on the square inch shall be maintained in the flies and upper tiers of such premises.

Each of such hydrants shall be provided with, at least, a 30-foot length of hose with fittings of the London Fire Brigade pattern, and shall be fitted with bibcocks for filling buckets. Three buckets filled with water shall be kept near each hydrant. Hand pumps or other small fire appliances shall be provided as required.

Where there is no constant supply of water, there shall be provided on the top of the proscenium wall, or at some other place to be approved by the Council, two cisterns to be kept always filled with water.

Such cisterns shall be each capable of containing at least 250 gallons of water for every 100 persons of the audience to be accommodated in the building, and shall be properly protected from all danger from frost.

Fire mains shall be connected with such cisterns to hydrants to be fixed in such places and in such a manner as may be approved by the Council.

TELEPHONE.

38. Every theatre, and, where considered necessary by the Council, all other premises licensed for public entertainments shall be connected with the nearest fire brigade station by telephone alarm. The positions for such alarms and the number of points in the house shall be decided upon by the chief officer of the fire brigade. The installation and maintenance shall be carried out by the General Post Office at the cost of the lessee.

HANGINGS, ETC.

39. All woodwork of stage, hangings, curtains and draperies in such premises shall be rendered non-inflammable.

FIRE (PRECAUTIONS AGAINST).

40. Blankets or rugs, and buckets filled with water shall always be kept on the stage, in the flies, scene-stores, or wings, and in the immediate passages approaching the dressing-rooms of such premises, and attention shall be directed to them by placards legibly printed or painted and fixed immediately above them to the satisfaction of the Council.

Some person shall be held responsible by the management for keeping the blanket or rugs, and fire appliances ready for immediate use.

Hatchets, hooks and other appliances, for taking down hanging scenery in case of fire, shall be always kept in readiness for immediate use.

The Regulations as to fire shall be posted in some conspicuous place approved by

the Council in such premises, so that all persons connected with such premises may be acquainted with such Regulations.

FIRE-PLACES.

41. No fire-place shall be formed in any portion of the auditorium or stage of such premises, and no system of heating which involves the use of naked light will be permitted within the stage risk.

GUARDS FOR FIRE-PLACES OR STOVES.

All open fire-places or stoves in any part of such premises shall be protected by strong fixed iron-wire guards and fenders of not more than $1\frac{1}{2}$ -inch mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

ELECTRIC LIGHTING AND HEATING.

42. The electric lighting and heating apparatus shall be carried out to the satisfaction of the Council, and no work shall be commenced until the sanction of the Council has been obtained to what is proposed to be done. Copies of the Council's Regulations on the subject can be obtained on application to the clerk of the Council. 141 644

LIGHTNING CONDUCTOR.

43. Such premises shall, where considered necessary by the Council, be provided with a lightning conductor, to the satisfaction of the Council.

POWER TO MODIFY OR DISPENSE WITH THESE REGULATIONS.

44. The Council reserves to itself the right from time to time, in any special case, to modify or dispense with these Regulations.

All applications for dispensation or modification of these Regulations shall be made in writing, addressed to the clerk of the Council, and shall contain a statement of the facts of the particular case, and the reasons why it is desired to modify or dispense with these Regulations as applicable.

PERSON RESPONSIBLE.

45. When the premises have been licensed, the person or persons in whose name the licence is granted by the Lord Chamberlain or the London County Council shall be held responsible for the due management of such premises, and for the safety of the public and his or their employees in the event of fire.

ADDITIONS OR ALTERATIONS TO PREMISES.

46. No subsequent alterations shall be made to such premises without the sanction of the Council having been first obtained. 141

Notice of any intended structural addition to, or alteration of, any such premises shall be given in writing to the clerk of the Council, and shall be accompanied by drawings, elevations and sections, block plan, and specification of the work, to be executed similar to those required in the case of premises to be certified for the first time by the Council, and shall show such intended addition or alteration.

The Council will, if necessary, cause a fresh survey of such premises to be made.

No doors, bolts or other fastenings, obstructions to the means of egress, flap seats or other means of diminishing or stopping up the gangways, whether permanently or temporarily, shall be permitted.

NOTE.—The issue of the certificate referred to in these Regulations does not preclude the Council from considering, on its merits, any application which may hereafter be made to it with respect to the licensing of the building for public entertainments.

PLACES OF PUBLIC RESORT: LIGHTING & HEATING.

REGULATIONS MADE BY THE LONDON COUNTY COUNCIL ON 25TH MARCH, 1902, AND 13TH NOVEMBER, 1906, WITH RESPECT TO THE FITTING AND USE OF ELECTRIC LIGHTING PLANT, HEATING APPARATUS, STEAM BOILERS, MACHINERY, ETC., FOR ALL PURPOSES IN THEATRES, HOUSES, ROOMS, AND OTHER PLACES OF PUBLIC RESORT WITHIN THE ADMINISTRATIVE COUNTY OF LONDON.

INTERPRETATION OF "SUCH PREMISES."

In these Regulations the expression "such premises" means a theatre, house, room, or other place of public resort within the Administrative County of London to be kept open for the public performance of stage-plays, or for public dancing, music or other public entertainment of a like kind, under the authority of letters patent from His Majesty the King, his heirs or successors, or of licences by the Lord Chamberlain of His Majesty's Household, or by the London County Council.

ELECTRIC LIGHTING.

SANCTION OF COUNCIL TO BE OBTAINED TO ALL WORK.

- 141 1. Before the installation of the electric light, or any electrical work or apparatus, and before any alterations or additions to the electric installation are commenced, the sanction of the Council shall be obtained to what is proposed to be done. For this purpose plans showing the approximate positions of the lights, and specifications, together with full particulars of the work it is proposed to carry out, and drawings of proposed switchboards, shall be forwarded to the clerk of the Council, to whom also complete drawings shall be sent on completion of the work.

HIGH PRESSURE.

2. The term high pressure means in all cases throughout these Regulations pressure above 240 volts.

TESTS.

3. Where the electric light is installed in such premises, it shall be on condition that a competent electrical engineer shall certify in writing, to the satisfaction of the Council, once in twelve months that the system is in proper working order.

Tests may also be made by the officials of the Council from time to time.

MAIN CIRCUITS.

4. All such premises, when lighted by electric light shall have at least three separate and distinct main circuits.

These circuits shall be—

(A) For the stage.

(B) and (C) For the auditorium, corridors, exits, and all parts of the house open to the public.

The circuits B and C shall be so arranged that approximately half the lights in each division of the auditorium and half those in each corridor, exit, etc., shall be on B and the other half on C circuit.

As far as practicable, the lights on the two circuits shall be placed alternately.

The two circuits shall not be combined in one fitting, nor shall the wires or leads for one circuit be placed in the same box, tube, or casing, etc., as those of another circuit, except as provided in Regulation No. 8 for internally illuminated exit notice boxes, when special precautions must be taken to prevent risk of connection.

5. The main leads, etc., for circuit A shall, where possible, be kept entirely on the stage side of the proscenium wall, and those for B and C entirely on the auditorium side of that wall. If it is desired to control a portion of the lights in the auditorium from the stage board (circuit A), this will be permitted if a sufficient number of lights,

for safety purposes, be maintained on circuits B and C in each portion of the auditorium, entirely independent of the stage. The number and position of such lights shall be subject to the approval of the Council.

SUPPLY BY PUBLIC LIGHTING COMPANY, ETC.

6. When the current is supplied by a public lighting company, or corporation, these circuits shall be taken separately from the street mains, each circuit being taken from a separate box and where practicable from a separate pair of mains. Where transformers are installed on the premises, separate transformers, with fuses, switches, and other apparatus, shall be used for each of the three circuits, and the transformers, etc., for circuits B and C shall be placed in separate rooms, or in detached strong iron cases placed well apart, and the primary and secondary mains properly protected, or shall be divided by an incombustible partition. The transformer rooms, etc., must be kept clear of lumber.

THREE-WIRE SYSTEM.

7. Where supply is given on the three-wire system, circuits A and B or A and C may be supplied from the two sides of that system, but the other circuit, C or B, shall be taken from a separate connection with the street mains.

INDEPENDENT COMPANIES.

8. The supply for the three main circuits may be taken from the mains if independent companies, but in such case special precautions must be taken to prevent accidental connection.

CHANGE-OVER SWITCHES.

Change-over switches may also be used if approved by the Council.

ADDITIONAL MEANS OF LIGHTING.

Additional means of lighting in such premises for use in the event of the gas or the electric light being extinguished, shall be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured to an unflammable base and placed, if possible out of reach of the public. This shall not apply where there is (a) a complete installation of both gas and electric light, or (b) two complete systems of electric lighting from separate companies, or (c) two complete systems from one company if specially approved by the Council for the purposes of these Regulations. In cases (b) and (c), however, the exit notices shall be provided with independent means of lighting or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages and exits (including the exit notices) shall be kept alight during the whole time the public are in such premises.

No mineral oils shall be used in oil lamps.

UNLICENSED PREMISES.

9. No unlicensed premises or parts of premises not included in a licence shall be supplied with electric current from the mains or apparatus used for the licensed premises, except as provided in Regulation No. 43.

DRESSING-ROOMS.

10. Dressing-rooms and other parts of the premises used by the staff shall be lighted to the satisfaction of the Council.

METALLIC CIRCUITS.

11. In all circumstances complete metallic circuits shall be employed. Gas and water pipes shall never form part of any circuit.

SUB-CIRCUITS.

12. The main circuits, A, B, and C shall be sub-divided as may be necessary.

The number of lamps shall be so sub-divided that no sub-circuit shall carry more than 10 ampères in the case of the auditorium, corridors, etc., or 40 ampères in the case of the stage; and each sub-circuit shall start from a distributing board. If the supply be given at a higher pressure than 100 volts, the current in the sub-circuit shall be correspondingly reduced. Where arc lamps are permitted in the auditorium under Regulation No. 36, larger circuits may be allowed for such lamps.

The same sub-circuit shall not be used for arc lamps and incandescent lamps.

Lights outside buildings shall be on sub-circuits entirely independent of inside lights. These outside sub-circuits may carry any current not exceeding 40 ampères if at 100 volts, or correspondingly less at any higher pressure. By sub-circuit is meant a circuit rising from double pole fuses on a distributing board direct to the lamps or current-consuming device.

Except as provided for in Regulation No. 55, circuits for power or heating purposes shall be kept distinct and separate from lighting circuits.

CONDUCTORS.

13. All conductors used within buildings shall be of tinned copper, having a conductivity equal to not less than 98 per cent. of that of pure copper, and shall be so proportioned to the work they have to do that the current density in any conductor shall not exceed a ratio of 1,000 ampères per square inch.

Where a number of lights, as in the footlights, battens, etc., are supplied under control of one switch, and protected by one single or double pole cut-out, as the case may be, the conductors shall be maintained throughout of such a section that they will be effectually protected by the cut-outs against heating.

INSULATION.

14. The conductors shall be insulated with pure and vulcanised indiarubber of approved quality.

The insulation resistance shall be not less than 600 megohms per statute mile for the largest cable in the class as defined by the Cable Makers' Association, at 60 degrees Fahr., after one minute's electrification, when tested with at least 400 volts, and after 48 hours' immersion in water. If the pressure of the supply be above 115 volts, the insulation resistance shall not be less than 2,000 megohms per statute mile in lieu of the 600 specified above. Certificates of test shall be supplied to the Council if required.

15. If it is desired to use any other means of insulation than that above specified, special permission shall be obtained from the Council, and no material shall be used which is not waterproof, or protected by waterproof covering, or which will soften at a temperature below 170 degrees Fahr.

16. The insulated conductors shall be protected on the outside by stout tape or braiding impregnated with preservative compound.

FLEXIBLE CONDUCTORS.

17. Flexible conductors (if composed of wires smaller than No. 25 S.W.G., shall be of untinned copper wire; if composed of larger wire, the wire shall be tinned) shall be insulated with pure and vulcanised indiarubber and have an insulation resistance of not less than 600 megohms per statute mile when tested as above, and shall be protected on the outside by a stout braiding and rubber tube where necessary (for instance in the orchestra). Should any of these flexible conductors be damaged, they shall be at once replaced. No flexible conductor smaller than 35—40 S.W.G. shall be used.

No circuit of this nature shall carry more than 10 ampères if the pressure of the supply be not over 100 volts; if the supply be given at a higher pressure the current

shall be correspondingly reduced, and each circuit shall be protected by a fuse on each pole. The restriction to 10 ampères shall not apply to batten circuits.

CONDUCTORS, ETC., SPECIAL PRECAUTIONS.

18. No metal work in connection with the circuits shall be exposed or so fixed or constructed as to be liable to cause a short circuit.

19. In all cases conductors conveying currents of high electro-motive force inside buildings shall be specially and exceptionally insulated. They shall be enclosed in screw-jointed and earthed iron or steel tubing; or armoured cable may be used for supply authorities' services.

Any such conductors or any fittings between which high pressure exists or is liable to exist shall be so separated as to prevent any risk of shock to person or of short circuiting.

JOINTS.

20. Joints in conductors shall be avoided, but when unavoidable, they shall be electrically and mechanically perfect. Soldering fluids shall not be used in making such joints, and no joints shall be made in iron barrel.

CONDUCTORS, FIXING AND PROTECTION.

21. All conductors shall be efficiently protected from mechanical injury.

Where conductors pass through or within walls, fire-proof floors, or ceilings, they shall be protected by iron pipes or by glazed stoneware or porcelain tubes, and precautions shall be taken to prevent the possibility of fire or water passing along the course of the conductors. Conductors must not be placed where liable to be heated by gas jets, steam pipes, or other appliances.

22. In special cases, or where necessary for protection from the depredations of rats, mice, or other vermin, armoured cables may be used.

These need receive no further mechanical protection, but the armouring shall be efficiently earthed.

23. Lead covered cables shall not be used unless protected by external armour of iron or steel or enclosed in substantial iron pipes or tubes.

24. Metal fastenings for fixing conductors shall not be used without special permission. When permitted, some additional covering shall be used to protect the conductor from mechanical injury at the points of support.

25. If casing be used, it shall be of hard wood, *e.g.*, teak or oak, or on the auditorium side of the proscenium wall American whitewood casing of good quality may be used and each conductor shall be laid in a separate groove, unless previous permission be obtained from the Council to vary this condition. In no circumstances shall wires of opposite poles be laid in the same groove, nor wires of the same polarity belonging to different circuits A, B and C. The cover shall be secured with screws at the outer edges.

Casing shall, as far as possible, be placed in sight, and the conductors shall always be accessible.

Casing shall not be used where it is liable to injury from weather or leakage of water, nor shall it be recessed into plaster.

26. No soft or fusible metal tubing shall be used to contain conductors, nor shall any tubing which is not water-tight be embedded in walls or plaster or floors. Split tubing must not be used.

27. Where iron pipe or tube is used as a mechanical protection it shall be bushed where necessary, and properly bushed inspection boxes shall be used. All metallic tubing shall be efficiently earthed, and shall be provided with screw joints or other means of ensuring a good and permanent electrical connection, which must be continuous with boxes and other fittings.

EXTERNAL CONDUCTORS.

28. All external conductors shall be specially insulated and laid in iron pipes properly jointed and bushed, and of ample size. In no case shall conductors

belonging to different circuits (A, B and C) be run in the same barrel or be carried through the same boxes.

Such iron pipes shall be protected where necessary, and securely fixed and supported when not underground.

STAGE LIGHTING.

29. Where there is a stage, it shall, if possible, be lighted by electric light only. Special care shall be taken that all works in connection with the lighting of the stage are carried out in as substantial a manner as possible.

STAGE SWITCH-BOARD.

30. A switch-board fitted with the necessary switches, cut-outs, and other fittings for the control and regulation of the stage lighting shall be fixed in some convenient position, preferably overlooking the stage.

This board shall be inaccessible to all but the persons employed at such premises to work it.

A platform with proper means of access thereto shall be provided, where necessary, for the convenient operation of the board, and such platform shall be of fire-resisting construction, with hardwood floor (teak or oak) for insulating purposes.

Connections shall be made where possible at the front of the board; if the connections are made at the back of the board there shall be a space of not less than 3 feet between the wall and the back of the board, or such larger space as may be necessary to ensure the thimbles and connections being at all times easily accessible, or, as an alternative in the case of wires not larger than 7-18 S.W.G., provision may be made by hinging the board or placing it on rollers for rendering the back of the board accessible without breaking the connections or dismantling the board.

FOOTLIGHTS, ETC.

31. Lamps on battens, footlights, etc., shall be protected by stiff wire guards, so arranged that no scenery or other inflammable material can come in contact with the lamps, and shall be properly protected from everything liable to cause a short circuit.

32. No readily combustible material shall be used in connection with any lamps in such a manner that it may come in contact with the lamps or conductors.

33. No soft or readily inflammable wood shall be used in connection with the lamps, and all wood shall be protected by unflammable material from the possibility of ignition by an arc between any two parts of two conductors, or by heated particles from any conductor or part of a conductor which may connect together the two main conductors.

STAGE SOCKETS.

34. The sockets for the stage shall be of hard wood, vulcanite, or slate, with metal guards, care being taken to avoid risk of ignition, and they shall be of specially substantial construction, and where circuits of different potential are run, stage sockets shall be of such pattern as to prevent wrong connections being made.

BATTENS.

35. The leads to the battens and movable lengths shall be specially guarded, particularly at the points where they join on to the battens, etc., and a sufficient length shall be allowed to prevent the leads receiving any injury through any movement of the battens, and this part of the leads shall be protected by leather or stout waterproof canvas hose, properly fixed.

The battens shall be suspended by at least three ropes attached to insulators on the battens. Where spans are used they shall be of chain or wire rope, and shall be attached to insulators on the battens.

ARC LAMPS.

36. In any such premises arc lamps shall not be used in the auditorium or in any part open to the public without special permission from the Council.

When they are used in any part of such premises special precautions shall be taken to guard against danger from falling glass or incandescent particles of carbon.

All parts of the lamps, lanterns, and fittings which are liable to be handled (except by the persons employed to trim them) shall be insulated from the framework.

Any exposed portion of the metal work of an arc lamp liable to become heated to a temperature sufficient to cause a conflagration by contact with scenery or other inflammable material shall be protected by a wire guard.

In no case shall arc lamps be suspended by the conductors.

CUT-OUTS.

37. All circuits shall be efficiently protected by cut-outs, placed in positions easily accessible to the staff, but inaccessible to the public. Such cut-outs shall be permanently marked with the maximum current they are intended to carry.

All cut-outs shall be of such pattern and be fixed in such a position as to admit of quick replacement.

All circuits carrying a current of 10 ampères or more shall be provided with a cut-out on each conductor, and the two fuses shall not come in the same compartment or on the same base.

All cut-outs shall be so constructed that fused metal in falling cannot cause a short circuit or an ignition.

All cut-outs shall be so marked as to show what circuit or lamps they control.

SWITCHES, CUT-OUTS, ETC.

38. All exposed metal work, such as fittings, switch and cut-out covers, etc., shall be efficiently insulated from the circuits.

All switches, cut-outs, ceiling roses, wall sockets and lamp holders shall be unflammable bases and covers.

All switches and cut-outs shall have sufficient length of break, and shall be constructed so as to prevent the risk of formation of an arc. All lamp holders shall be of bayonet-socket form and shall be fitted with porcelain bridges or some equivalent separation between poles.

All switches shall be of ample size to carry the currents for which they are intended without heating, and shall be so constructed that it will be impossible for them to remain in any position intermediate between the "on" and the "off" positions, or to permit of a permanent arc or short circuit.

FITTINGS.

39. All fittings shall be suspended in an approved manner, and special care taken to avoid risk of suspension failing from any cause.

40. Combined gas and electric fittings shall not be used.

Any electric light pendants or brackets in the auditorium and front of the house generally shall be at least 6 feet 8 inches above the floor to the lowest projecting part of the fitting.

No electrical fitting or apparatus of any description shall be so fixed or arranged that under any circumstances can it interfere with the proper working of the safety curtain.

41. All switch and fuse boards which are not fitted with front connections shall be so mounted as to give instant and easy access to the connections at the back of the board, and shall be provided with dividing strips between poles, both at back and in front, and proper lock-up cases with glass fronts, the glass (unless plate of adequate thickness) shall be protected with a wire guard or boxes with lids and sides rendered fireproof by asbestos sheeting; or some equivalent method may be used. Switch and fuse boards shall be fixed in accessible positions where they will not obstruct passages or exit ways.

RESISTANCES.

42. Resistances for regulating the power of the lights or motors or for other purposes shall be mounted on incombustible bases, and shall be so protected and

placed at such a distance from any combustible material that no part of the resistance, if broken, can fall on such material or vice versa. Adequate ventilation shall be provided.

Principal resistances shall be placed in a fire-resisting room properly ventilated and reserved for the purpose. Liquid resistances with side or bottom connections shall be provided with proper trays and stands.

Tracker wires outside the fire-resisting room shall be so installed and shielded that in the event of breakage, slackness or other displacement contact with live conductors will be impossible.

GENERATING PLANT.

43. Where the supply of current is derived from special plant on the premises or under the control of the licensee, such plant must in all cases be approved by the Council. It must be in duplicate. Such duplication may be provided either by not fewer than two separate boilers, engines, dynamos, and switch-boards, each capable of supplying the maximum ordinary load, or, in lieu of one engine and dynamo, a battery of approximately equal capacity for a minimum period of five hours, and such battery shall be fully charged before the commencement of every performance, or another alternative may be adopted by obtaining a full supply from the mains of a public company or borough council through proper change-over switches. The position and the construction of the change-over switches shall be subject to the approval of the Council. Where gas engines are used, a battery or other duplicate supply shall be provided, gas engines alone shall not be accepted as sufficient. No unlicensed building or unlicensed portion of a building shall be supplied from any part of the installation of the licensed part of the building unless the installation in such unlicensed portion is open to inspection and testing by the Council. The switch-boards and their fittings must be to the satisfaction of the Council.

44. Boilers, steam engines, gas engines and dynamos, when used for the supply of electricity to such premises, shall be placed in such positions as shall be sanctioned by the Council.

All necessary provision shall be made for keeping the temperature of the engine-rooms within proper limits.

GAS ENGINES.

45. Gas engines shall be placed in rooms so adequately and continuously ventilated that no explosive mixture of gas can accumulate by any leakage through the engine in the event of any of the gas cocks being left turned on.

A hood connected with a pipe carried into the external air shall be fixed over the ignition tube when this is used.

BATTERIES.

46. Primary or secondary batteries shall be placed in rooms adequately ventilated to the outside air. These rooms shall be of fire-proof construction with fire-resisting doors and shall be used for no other purpose.

The batteries shall be well insulated.

TRANSFORMERS.

47. Transformers used to transform either direct or alternating currents, together with the switches and cut-outs connected therewith, shall be placed in a fire and moisture proof structure adequately ventilated to the outside air, properly lighted and accessible to the management and used for no other purpose.

48. Where the primary current is of high potential, such structure shall be preferably outside the building.

No part of such apparatus shall be accessible except to the persons in charge of its maintenance.

49. The outer case, if metallic, of all transformers, high tension switches and fuses, shall be efficiently connected to earth.

50. Proper labels indicating the circuit controlled shall be affixed to all transformers, main switches, fuses, etc.

51. No transformer which, under normal conditions of load, heats to above 130 degrees Fahr., shall be used.

52. Transformer circuits shall be so arranged that in no circumstances shall a contact between the primary and the secondary coils lead an electro-motive force of high pressure into the building.

INSULATION RESISTANCE.

53. The insulation resistance of a system of distribution shall be such that the greatest leakage from any conductor to earth, when all branches are switched on, shall not exceed one sixty-thousandth part of the total current intended for the supply of the said lamps and motors; the test being made at approximately double the usual working electro-motive force. Provided that this rule shall not be held to justify a lower insulation resistance than 10,000 ohms.

SUPERVISION.

54. The generating plant and switching gear shall be in the hands of thoroughly competent manipulators, and the engine room (if any) shall be inaccessible to the public, and shall have at least one independent entrance. Where there is an electrical installation a properly qualified man must be in charge of such installation.

MOTORS, ETC.

55. Motors or electrical heating apparatus shall, if permitted, be subject to special conditions, but electric fans and similar motors not taking more than 300 watts may be used if separately wired from fuses on a proper distributing board.

PLAN OF WIRING.

56. A plan of the wiring shall be always kept in a prominent position in the office of the manager of such premises.

TEMPORARY LIGHTING.

57. In all cases in which it is desired to install temporary lighting, notice should be given to the clerk of the Council in writing as long as possible before it is desired to commence the work.

Wires and cables shall be adequately and firmly fixed, and shall be similar to the wires already specified in these Regulations, and in all cases where the wires are within reach of the public, they shall be cased.

All joints shall be soldered and taped if used for more than one week, and if used less than a week the wire shall be soldered if larger than 7-20 S.W.G., or its equivalent. In either case the joints shall be taped.

In portable fittings and appliances all joints excepting those connecting the fittings, etc., to the permanent installations shall be soldered.

The circuits shall be subdivided as much as possible, no sub-circuit exceeding 10 ampères, at 100 volts, or correspondingly less at higher pressures.

All temporary work shall be immediately removed when no longer required for the purpose for which it was installed.

In the case of temporary work on the stage, all connections to the permanent installation shall be removed immediately after each performance in which they are used unless permission be obtained to the contrary.

Such special conditions as may be requisite in each case will be attached to the consent of the Council to the use of temporary electrical work.

MISCELLANEOUS.

58. Whenever the safety curtain is lowered all lights in the auditorium, etc., shall be immediately lighted.

59. All main switches, fuses, etc., which are the property of the electric supply company must be distinguished by being coloured red with a white band.

60. At least one pair of indiarubber gloves must be provided for the use of the electricians in connection with the electric lighting arrangements as a precaution in the event of high voltage occurring. The gloves must be kept on the stage switch-board and be kept in good order.

61. At least one bucket, filled with dry sand, must be kept in some accessible position on the stage in readiness for use in dealing with an electric fire, and one must also be kept in each of the intake rooms.

STEAM BOILERS, HEATING APPARATUS, ETC.

FIRE-PLACES.

- 141 1. No fire-place shall be formed in any portion of the auditorium or stage of such premises, and no system of heating which involves the use of naked lights will be permitted within the stage risk.

GUARDS FOR FIRE-PLACES OR STOVES.

2. All open fire-places or stoves in any part of such premises shall be protected by strong fixed iron-wire guards and fenders of not more than $1\frac{1}{2}$ inch mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

SYSTEM OF HEATING.

3. The system of heating may be by hot air, low pressure hot water, or low pressure steam. The high pressure hot water system with sealed pipes will not be permitted.

The term "low pressure" in the case of hot water shall be understood to mean the pressure due to the vertical head of water between the boiler and the supply cistern; and in the case of steam it shall be understood to mean a maximum pressure of fifteen pounds per square inch above the pressure of the atmosphere.

POSITION AND SURROUNDINGS OF BOILER, FURNACE, ETC.

4. Every furnace, boiler, oven or other apparatus for heating or steam raising shall be placed in a position to be approved by the Council, and the construction, ventilation and management of the chamber, room, or compartment in which it may be placed, and of any fixtures or fittings that may be affected by heat must also be to the Council's satisfaction.

WIDTH OF GANGWAYS NOT TO BE DIMINISHED.

PIPE TRENCHES.

5. All hot water or steam pipes, or coils, shall be recessed in the walls or shall be otherwise arranged so as not to diminish the clear width of the gangways, corridors, etc. Where the pipes are placed in trenches below the level of the floor and covered by grids or gratings, such trenches shall be sufficiently large to admit of being thoroughly cleaned out from time to time as may be required or directed.

RADIATORS TO BE PROTECTED.

6. Any radiator, length of piping, or other hot surface placed in those parts of the premises to which the public has access shall if considered necessary by the Council be protected with stout wire guards, securely fixed in position.

INSPECTION AND TESTING OF APPARATUS.

7. Every boiler or heating apparatus shall be tested by hydraulic pressure when new, and annually thereafter, to twice the working pressure, in the presence of an official of the Council, the cost of any such test being borne entirely by the licensee of

the premises. This test will not be required when the boiler or apparatus is insured with an approved boiler insurance company, in which case a certificate, or a duplicate thereof, of a recent test made by the company, must be sent annually to the clerk of the Council for inspection.

TYPE AND POSITION OF SAFETY VALVE.

8. Every boiler, whether hot water or steam, shall be provided with a dead-weight or spring safety-valve, of sufficient area, which shall be set to blow off at the approved pressure, and shall be so locked up as to prevent any unauthorized person adding to the load on it, whilst also permitting the attendant to lift the valve or turn it on its seat at any time. The safety-valve must be attached either direct to the boiler or by means of a special stand-pipe of size, form and material to be approved by the Council, and must be so placed as to be protected from soot and dirt.

The safety valve shall not in any circumstances be placed on the circulating pipes.

SUPPLY CISTERNS.

9. Every hot water boiler must have an independent water supply cistern, and the supply pipe to the boiler must be at all times open to the atmosphere. The supply cistern and all pipes in exposed situations shall be adequately protected against the action of frost.

MATERIAL OF PIPING.

10. All pipes, except such as may be of copper, are to be of stout wrought-iron or wrought-steel tubing, or of a strong section of cast iron or cast steel; and all wrought-iron or wrought-steel feed pipes below $1\frac{1}{2}$ inches internal diameter must be galvanised internally.

WORKING PRESSURES, REDUCING VALVES, ETC.

11. Steam boilers may be worked at any approved pressure, but if such pressure exceeds 15 lbs. per square inch above the atmosphere, an efficient reducing valve and a safety valve of the same type as that required on the boiler must be fitted. These valves must be so placed that no higher pressure than 15 lbs. per square inch above the atmosphere can ever be reached in any part of the system or piping outside the boiler-house or compartment. An approved pressure gauge must, in these cases, be fitted on the low pressure side of the reducing valve. This regulation shall not apply to steam used solely for driving electric generating plant installed under Regulations Nos. 43 and 44. (See p. 650.)

DISPOSAL OF COMBUSTIBLE MATERIAL.

12. No coal, coke, wood, or other combustible material is to be so stored or placed that it will be affected by the heat of the furnace, boiler, or other heating apparatus.

STEAM BOILERS FOR STAGE EFFECTS.

13. Where it is desired for stage effects to use apparatus or connections that would not comply with these regulations, application, accompanied by full details, should be made to the Council, and such apparatus, etc., must not be used until the Council's permission has been obtained.

When it is proposed to make use of a steam boiler that has not previously been inspected by the Council's officers and approved, a notice of seven clear days must be given to the Council before putting the boiler to work.

When such a boiler, having been inspected and approved at one theatre, is transported to another for use under exactly similar conditions, further inspection and approval may not be requisite, but the necessary seven days' notice must be given to the Council, and a recent certificate issued by the boiler insurance company must always be in the custody of the person who is in responsible charge of the boiler, and must be produced to the Council's officers on demand.

IDENTIFICATION OF PORTABLE BOILER.

14. Where a boiler is not a fixture on the premises, but may be transported from time to time to other licensed premises, it must bear some approved and permanent stamp or mark that will serve to identify it with the boiler referred to in the certificates granted by the boiler insurance company.

LIFTS, MACHINERY, ETC.

15. All lifts, hoists, moving machinery, etc., shall be installed, guarded and protected with a view to the prevention of accidents to the public or employees.

ARBITRATION.

In the event of any difference or dispute arising between the Council and the licensee of such premises as to any works which are required, by these Regulations, to be executed to the satisfaction or approval of the Council or are not definitely specified, or, in the case of alterations to any such premises where the installation has already been approved by the Council, as to the extent, if any, to which these Regulations shall apply to such installation, such difference or dispute shall be referred to an arbitrator to be appointed by the President of the Institution of Electrical Engineers at the request of either party, and such arbitrator shall hear, and, having regard to the standard required in the foregoing Regulations, determine the same, and may either confirm the requirements of the Council or may confirm the same with such modification as he may think proper or refuse to confirm the same, and the decision of such arbitrator as to the requirements of the Council and the reasonableness of the same and the persons by whom, and the proportions in which the costs thereof are to be paid shall be final and conclusive and binding upon all parties.

In case of any reference as aforesaid, compliance with the requirements in dispute may be postponed until after the day upon which such reference shall be decided, and the same if confirmed in whole or part shall only take effect as from such day.

NOTE.—Inspections made by the Council's officers must not be taken as guaranteeing the safety or efficiency of any plant or apparatus or any part of the installation.

PLACES OF PUBLIC RESORT: LIMELIGHT.

REGULATIONS MADE BY THE LONDON COUNTY COUNCIL ON 25TH JANUARY, 1898, RESPECTING THE USE OF LIMELIGHT IN PREMISES LICENSED BY THE COUNCIL.

- 141 1. The gas cylinders shall be tested and filled in conformity with the following recommendations of the Departmental Committee of the Home Office, which appear in the Report of the Committee on the Manufacture of Compressed Gas Cylinders [7,952 of 1896]—

CYLINDERS OF COMPRESSED GAS (OXYGEN, HYDROGEN, OR COAL GAS).

“(a.) LAP-WELDED WROUGHT IRON.—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

“Stress due to working pressure not to exceed $6\frac{1}{2}$ tons per square inch.

“Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

“Permanent stretch in hydraulic test not to exceed 10 per cent. of the elastic stretch.

“One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between two rounded knife-edges without cracking.”

"(b.) LAP-WELDED OR SEAMLESS STEEL.—Greatest working pressure 120 atmospheres, or 1,800 lbs. per square inch.

"Stress due to working pressure not to exceed $7\frac{1}{2}$ tons per square inch in lap-welded, or 8 tons per square inch in seamless cylinders.

"Carbon in steel not to exceed 0.25 per cent., or iron to be less than 99 per cent.

"Tenacity of steel not to be less than 26 or more than 33 tons per square inch. Ultimate elongation not less than 1.2 inches in 8 inches. Test bar to be cut from finished annealed cylinder.

"Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

"Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

"One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife-edges without cracking."

REGULATIONS APPLICABLE TO ALL CYLINDERS.

"Cylinders to be marked with a rotation number, a manufacturer's or owner's mark, an annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

"Testing to be repeated at least every two years, and annealing at least every four years.

"A record to be kept of all tests.

"Cylinders which fail in testing to be destroyed or rendered useless.

"Hydrogen and coal gas cylinders to have left-handed threads for attaching connections and to be painted red.

"The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing over-charging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

"Cylinders not to be refilled till they have been emptied.

"If cylinders are sent out unpacked, the valve fittings should be protected by a steel cap.

"A minimum weight to be fixed for each size of cylinder, in accordance with its required thickness. Cylinders of less weight to be rejected."

2. All cylinders shall be used with an approved safety regulator.

3. All cylinders shall be suitably connected with the lantern by means of iron pipe or by means of rubber tubing protected on the outside by canvas and coiled wire, and so arranged that it cannot be affected by the movement of the operator, or by others in the neighbourhood of the lantern.

4. All lighting shall be in charge of a competent person, who can at will raise or lower the lights without risk of their being turned out, and in order to avoid danger from panic he should remain at his post during the whole of the entertainment.

5. The gas shall in no case be stored in or used from bags or containers other than those recommended by the Departmental Committee of the Home Office (see No. 1 above).

6. The combustible gas used shall be either hydrogen or coal gas, and in no case whatever shall ether or other inflammable liquid be employed.

NOTE.—It is desirable, however, that, in all cases where possible, the electric light should be used as an illuminant instead of limelight, in order to avoid risks from fire.

PLACES OF PUBLIC RESORT: ACETYLENE GAS.

REGULATIONS MADE BY THE LONDON COUNTY COUNCIL ON 28TH JANUARY, 1902, AND 30TH JANUARY, 1906, RESPECTING THE USE OF ACETYLENE GAS IN THEATRES AND PREMISES LICENSED BY THE COUNCIL.

GENERAL REGULATIONS.

- 141 1. Under no circumstances will the production or use of highly compressed or liquefied acetylene be permitted (such procedure is illegal), but "dissolved acetylene" may be used under the conditions set out in the Order of the Secretary of State, No. 6, made under the Explosives Act, 1875, provided the gas is not allowed to come into contact with copper or copper alloys.
2. In the case of gas generated and stored, its pressure must not exceed that necessary for driving it through the burner. This pressure shall not be greater than 20 inches in the generator or 5 inches in the holder or service pipes.
3. The gas shall not be mixed with oxygen or with atmospheric air before it reaches the burner. (This is illegal.)
4. Every apparatus which is used for generating acetylene gas shall be licensed by the Council after it has been tested and approved by an expert, and will be subject to examination by a responsible officer of the Council.
5. Every such apparatus shall be placed in a building outside that in which the gas is used.
6. Such outbuildings shall be separated as far as possible from inhabited buildings, and shall be well ventilated. All usual precautions shall be taken to prevent escape of the gas and firing of the same in the generating room.
7. No person shall have charge of the apparatus unless he has been properly instructed in its management.
8. The gas shall not be allowed to come into contact with copper or copper alloys, either in the generator and storage vessels or in the pipes and fittings.
9. The conditions under which the carbide of calcium may be stored are settled by the terms of the licence under the Petroleum Acts, which will be required in each case.

REGULATIONS AS REGARDS FITTINGS.

10. All gas brackets shall be fixed without joints; and all burners within reach of the audience shall be fitted with secret taps, and shall be efficiently protected by glass or wire globes.
11. All gas burners within 3 feet of inflammable ceilings shall be fitted with consumers of unflammable material to distribute the heat.
12. All gas pipes shall be made of iron or steel.
13. Where there is to be a stage or where scenery is to be used the footlights or floats shall be protected by fixed wire guards.
14. The rows and lines and gas burners in the wings (which must commence 4 feet at least from the level of the stage) shall be protected by fixed iron-wire guards.
15. All battens shall be hung by at least three wire ropes, and shall be protected at the back by a solid metal guard and wire fixed to a stiff iron frame at such a distance from the gas jets that no part of the scenery or decoration can become heated.
16. All movable lights shall be fitted with flexible tubes, and the gas in every case shall be capable of being turned off by the tap on the stage as well as by that on the flexible tube.
17. All flexible tubes shall be of sufficient strength to resist pressure from without.

NOTE.—The Council reserves to itself the right of modifying any of the above Regulations and of requiring the adoption of any further precautions, in addition to those specified above, as circumstances may require.

PLACES OF PUBLIC RESORT: LICENCES.

Approved by the Council on 30th June, 1908.

MUSIC, MUSIC AND DANCING, AND STAGE PLAYS LICENCES.

ORDERS MADE BY THE LONDON COUNTY COUNCIL AS THE LICENSING AUTHORITY UNDER THE LOCAL GOVERNMENT ACT, 1888.

I.—MODE OF MAKING APPLICATION.*

1. All applications for licences shall be made to the Theatres and Music Halls Committee of the London County Council, sitting as the Licensing Committee, referred to hereafter as "the Committee," who shall investigate the same, and report the result of their investigation to the Council sitting as the licensing authority. 137

All licences will be granted or refused by the Council.

2. Applications in respect of premises situated on the north of the Thames will be heard at the Sessions House, Clerkenwell, and those in respect of premises on the south of the Thames at the Sessions House, Newington. The Committee, however, reserve to themselves the power to hear any particular application at either of the above places, or at such other place as they may hereafter determine upon.

3. Every person intending to apply for a licence at the annual meeting of the Committee to be held in the month of November shall, on or before the 1st day of October in each year, give notice to the clerk of the London County Council of such intended application on a form to be obtained on application to the clerk of the Council. (See paragraph 18.)

4. Notice of intended application when given on behalf of any company registered under the Companies Acts must be signed by a responsible officer of the company and proof of his appointment must be forthcoming if required by the Committee.

5. Every applicant shall, within seven days after serving the notice of intended application on the clerk of the Council, affix and, until the application has been dealt with, maintain upon the principal outer door or other conspicuous part of the premises sought to be licensed, at the height of five feet above the footway, a copy of such notice printed in large type, known as "two-line English Roman," so that the same can be seen and read by persons in a public street or place.

6. An applicant who desires the removal or modification of any conditions attached to a licence must state in his notice of application, and in the notice to be affixed to the premises for which the licence is required, that he intends to apply for such removal or modification at the meeting of the Committee, and he must also set out such conditions in the notices referred to. He must at the same time advertise the fact of his intended application in three daily newspapers circulating generally throughout the county or throughout the locality in which the premises are situated, and must transmit one copy of each such newspaper containing the advertisement to the clerk of the Council.

7. Every applicant shall send to the clerk of the Council, seven clear days at least before the day appointed for the hearing of his application by the Committee, a statutory declaration that he or his agent has duly published and served all the notices prescribed by these orders.

Where the notices have been served by an agent, a joint statutory declaration must be furnished.

8. If a person who has given notice of his intention to apply for a licence under any of the above orders vacates the premises in respect of which the licence is sought, or dies before the application is heard, the new tenant occupying the house, or the legal representative of the deceased person, may be heard in place of the original applicant if the Committee think fit.

* Forms of application and all other documents required can be obtained on personal or written application to the Clerk of the Council, Spring Gardens, S.W.

9. An applicant for a renewal of a licence need not attend before the Committee unless notice of opposition to the renewal has been given, or he has been specially required to do so by the clerk of the Council.

10. All licences will be granted subject to the Regulations of the Council, as now in force, or varied from time to time, in reference to arrangements for the safety and protection of the public.

NEW APPLICATIONS.

634 11. Every applicant for a licence for premises in respect of which no current licence is in force shall, in addition to the notice required to be given by the foregoing orders, give similar notice by advertisement in three daily newspapers circulating generally throughout the county or throughout the locality in which the premises are situated or proposed to be erected, and shall transmit one copy of each such newspaper containing the advertisement of such notice to the clerk of the Council.

Such advertisement shall be inserted by the applicant within seven days after serving the notice of the intended application upon the clerk of the Council.

12. Applications for licences must be supported by satisfactory documentary evidence that the applicant is owner or lessee (for at least one year certain) in possession of the premises in respect of which the licence is required.

13. No application for a new licence will be entertained unless the premises for which the licence is required have been approved by the Council.

14. Applicants for new licences must attend personally before the Committee, and, if required by the clerk of the Council, must also attend before the Council.

TRANSFERS.

15. Applications for the transfer of an existing licence from the holder thereof to any other person may be heard at any meeting of the Committee, except during the months of August, September and October, provided—

(a.) That notice of the intended application for such transfer shall have been made at least one month before the meeting of the Committee at which such application is to be considered.

(b.) That evidence as to the character of the person to whom the licence is proposed to be transferred shall be furnished to the Committee.

(c.) That the application is supported by satisfactory documentary evidence that the proposed transferee is owner or lessee (for at least one year certain) in possession of the premises in respect of which the licence is required.

16. Applicants for transfers must attend personally before the Committee, and, if required by the clerk of the Council, must also attend before the Council.

17. Order 4 applies equally to transfers.

SWIMMING BATHS.

18. Applications for licences in respect of any swimming baths erected under the Baths and Washhouses Act may be heard at the annual licensing sessions of the Committee, or at any other meeting of the Committee.

All applications will be reported upon by the Committee to the Council for its decision.

Such applications must be made in accordance with Nos. 1 to 14 of these orders, except that they may be heard at any meeting after the expiration of one month from the date of the notice to the clerk of the Council.

The licensee of any swimming bath licensed by the Council for music, or music and dancing, shall give notice annually to the clerk of the Council when it is proposed to alter the baths so as to render them suitable for the purposes of the licence, and such licence will not be issued until the alterations have been satisfactorily completed, and the district surveyor, or the borough surveyor, or any surveyor accepted by the Council, has certified his approval of the construction of the flooring over the swimming bath.

STAGE PLAYS LICENCES.

19. Applications for annual licences for theatres and premises for the performance of stage plays outside the jurisdiction of the Lord Chamberlain must be made in accordance with Nos. 1 to 14 of these Orders. In addition to the notices required by these Orders the applicant must send to the clerk of the Council, at least fourteen days before the hearing of the application, the names and addresses of his proposed two sureties. The licences, if granted, shall be subject to the provisions of the Act for regulating theatres (6 and 7 Vict. c. 68), save as to the provision requiring the signatures of the justices. 319

Applications for licences for the performance of stage plays for periods of less than one year but more than a few days must, so far as practicable, be made in accordance with the orders relating to annual licences except that they may be heard at any meeting of the Committee after the expiration of fourteen days from the date of the notice to the clerk of the Council.

Applications for licences for occasional dramatic performances may be heard at any meeting of the Committee.

PROVISIONAL LICENCES.

20. Applications for provisional licences for premises about to be constructed, or in course of construction or re-arrangement, must be made in accordance with Nos. 1 to 14 and No. 19 of these Orders. 400

21. A provisional licence will not enable the premises to be used for public entertainments until such licence has been confirmed by the Council. Such confirmation can take place at any meeting of the Council held during the year, provided the Committee report that the premises have been satisfactorily completed.

II.—MODE OF MAKING OBJECTION TO APPLICATIONS FOR LICENCES.

22. No objection made by any person other than a member of the Council to the granting or renewal of any licence shall be heard by the Committee unless a notice of such objection, setting forth the grounds upon which the opposition is made, and where definite offences are alleged, the dates and particulars of such offences, has been received by the clerk of the Council and by the applicant fourteen clear days before the day appointed for the hearing by the Committee.

On the hearing of the case before the Committee it shall not be competent for any person (other than a member of the Council) objecting to the granting or renewal of any licence to go into any matter not set forth in such notice.

III.—PROCEDURE TO BE OBSERVED AT THE HEARING OF APPLICATIONS BY THE COMMITTEE.

23. Applications for licences will be heard by the Committee in the order in which they appear in the list compiled by the clerk of the Council, except that applications which are opposed will be heard last. The Committee may, in the exercise of their discretion, take any application out of its proper order, or postpone it.

24. The meetings of the Committee shall be open to the public. The Committee shall, however, conduct their deliberations and consider their report to the Council upon the applications in private.

25. Every applicant for a licence, and every person objecting to the granting thereof, who shall have given the notices required by these orders, shall be heard, either personally or by counsel, and shall be entitled to call witnesses.

26. The order of hearing shall be as follows:—

(a.) On the case being called each person objecting shall be heard in person or by counsel in the order of the date of his notice of objection, and, after stating his grounds of objection, may call witnesses in respect thereof.

(b.) The applicant or his counsel may then call witnesses, and may be heard in reply to objections.

(c.) On the hearing of applications for new licences, this order of procedure shall be reversed, and the applicant shall in every case be heard first.

27. Where a member of the Council, or of the Committee, makes an allegation for or against any application in regard to a licence, and such allegation is unsupported by the evidence of any other person or persons, the party affected thereby, or his counsel, shall be permitted to put questions through the chairman by way of cross-examination.

28. The above rules will, so far as practicable, be observed at all the licensing meetings of the Committee held during the year, except where the Committee may otherwise determine.

G. L. GOMME,
Clerk of the Council.

County Hall,
Spring Gardens, S.W.
30th June, 1908.

PLACES OF PUBLIC RESORT: RULES AFFECTING LICENSEES.

416 Approved by the Council on 1st March, 1904, 25th October, 1904, 13th November, 1906, 17th December, 1907, and 9th February, 1909.

RULES TO BE OBSERVED BY THE LICENSEES OF PREMISES LICENSED BY THE COUNCIL.

1. The management must allow the public to leave by all exit and entrance doors, which must open outwards.

2. All exit doors must be thrown open for the use of the audience at the end of the performance.

3. All doors and barriers must open outwards.

4. All gangways, passages and staircases, intended for the exit of the audience, must be kept entirely free from chairs or any other obstructions, whether permanent or temporary.

5. Persons must not be permitted to stand or sit in any of the intersecting gangways, and if standing be permitted in the gangways at the sides and rear of the seating, sufficient room must be left for persons to pass easily to and fro.

6. All exit and other doors or openings used by the public for the purposes of exit must be indicated by notices clearly painted to the satisfaction of the Council in 7-inch letters.

Such notices must be painted over such doors or openings at a height of at least 6 feet 9 inches above the floor.

The words "No exit" must be clearly painted to the satisfaction of the Council in 7-inch letters at least 6 feet 9 inches above the floor, over all doors or openings, which are in sight of the audience, but which do not lead to exits.

7. Each exit door from the auditorium and stage must have a distinct light fitted over it, such light to illuminate the exit notice, and to be maintained throughout the performance.

8. All doors used for purposes of exit must, if fastened during the time the public are in the building, be secured during such time by automatic bolts only, of a pattern and in a position to be approved by the Council.

9. All exit doors must have a notice clearly painted on them indicating the method of opening them.

10. All curtains covering doors or in passages must be hung so as not to trail on the ground.

11. The seating area assigned to each person must not be less than 2 feet deep and 1 foot 6 inches wide in all parts of the house where no backs or arms are provided to the seats, and not less than 2 feet 4 inches deep by 1 foot

8 inches wide where backs or arms are provided. In all cases, however, there must be a space of at least 1 foot in depth between the front of one seat and the back of the next measured between perpendiculars.

The above regulation shall not apply to the seating now in existence except in cases where it is proposed to rearrange the seating or to alter the premises.

12. Where chairs are used they must be battened together at a distance of not less than 1 foot 8 inches from centre to centre where they have arms, and 1 foot 6 inches where they are without arms, and in lengths of not less than 4 or more than 12 chairs.

13. The corridors must not be used as cloak-rooms, and no pegs for hanging hats and cloaks must be allowed therein.

14. All check boxes must be fixed and placed in such positions that they will not obstruct exit.

15. No decoration, or construction for the purpose of decoration, must be employed in dressing-rooms which does not adhere without any cavities to the surface of the wall.

16. All open fire-places or stoves must be protected by strong fixed iron-wire guards and fenders of not more than $1\frac{1}{2}$ inch mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.

17. All gas burners within reach of the audience must be protected by glass or wire globes.

18. All gas taps within reach of the public must be made secret.

19. All gas pipes must be made of iron or brass.

20. Additional means of lighting for use in the event of the gas or the electric light being extinguished must be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured to an unflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (a) a complete installation of both gas and electric light, or (b) two complete systems of electric lighting from separate companies, or (c) two complete systems from one company if specially approved by the Council for the purposes of these regulations. In cases (b) and (c), however, the exit notices must be provided with independent means of lighting or with lights on both systems.

All lamps (or lights) on both systems in the staircases, corridors, passages and exits (including the exit notices) must be kept alight during the whole time the public are in the premises.

No mineral oils must be used in oil lamps.

21. Where there is a safety curtain to the proscenium opening it must be lowered at least once about the middle of the performance in the presence of the audience so as to ensure its being in proper working order.

22. An inscription of the following nature must be exhibited on the fire curtain—"Safety Curtain," the notice to be exhibited in letters sufficiently large that it can be read from all parts of the house.

23. Whenever the safety curtain is lowered, all lights in the auditorium must be immediately lighted.

24. If a temporary proscenium be required it must be formed of heavy woollen curtains only, to the satisfaction of the Council. (See No. 39.)

25. No wires, etc., in connection with gymnastic or other displays, or any other apparatus, must be allowed to interfere in any way with the lowering of the safety curtain.

26. All scenery, wings, sky borders, cloths, draperies, gauze cloths, floral decorations, properties, hangings, curtains, etc., whether on the stage, in the auditorium, or in other parts of the premises, must be rendered and maintained non-inflammable.

27. Where performances are regularly given, and where scenery is used, at least one fireman must be employed during the entertainment. The responsibility as regards the employment of such men must rest, as at present, with the management.

28. Counter-weights, where possible, must be carried to the walls of the building and cased in. The ropes attached to them must be constantly tested.

29. All fixed and ordinary gas burners on or about the stage must be furnished with efficient guards; movable and occasional lights must be protected in the same manner, and put under charge of persons responsible for lighting, watching and extinguishing them.

30. The rows and lines of lights and gas burners in the wings must commence 4 feet at least from the level of the stage, and be protected by fixed iron-wire guards.

31. Druggets or crumb cloths where used must be secured so as to be in no way liable to rucking or to be in any way a source of danger to members of the audience.

32. Smoking by members of the orchestra or others must be strictly prohibited within the stage risk, except so far as may be necessary on the stage in connection with the performance.

33. Blankets or rugs and buckets filled with water must be always kept on the stage and in the flies, scene docks and immediate passages approaching the dressing-rooms, ready for instant use, and attention must be directed to them by placards legibly printed or painted and fixed immediately above them.

Some person must be held responsible by the management for keeping the blankets or rugs and fire appliances ready for immediate use.

34. Hatchets, hooks, ladders and other appliances for taking down hanging scenery in case of fire, where such scenery is in use, must be always kept in readiness for immediate use.

35. Regulations as to fire must be posted in some conspicuous place approved by the Council, so that all persons connected with the premises may be acquainted with such regulations.

36. Communication must be established between a point on the stage, in close proximity to the releasing gear to the fire curtain, and the telephone alarm in connection with the nearest fire brigade station.

37. Information of any outbreak of fire, however slight, must be at once communicated to the fire brigade.

38. A sufficient number of employees must have definite duties allotted to them in the event of fire or panic, and statements of such duties must be posted up in conspicuous positions. Dry fire drills must be held at least once a week in all theatres, music-halls, and large concert halls.

39. Before any alterations are made in the seating or in the arrangements of the premises, the person in whose name the licence is granted must submit full particulars and a plan to the Council for its approval. In the case of a bazaar, etc., such plan must show the position of the stalls, gangways, etc., and be accompanied by a statement as to the proposed construction of the stalls, etc. (See No. 24.)

The following conditions must be complied with in the arrangements for a bazaar:—

(a.) That in the construction of the stalls no thin wood lining and divisions be employed.

(b.) That every stall or structure of a like character, which is placed within 5 feet of any other stall or structure of a like character, or any part thereof, be restricted to a height of 12 feet.

(c.) That all roofs or coverings be of plaster or other fire-resisting material.

(d.) That all the hangings used for draping be rendered fire-resisting.

(e.) That special arrangements be made to the satisfaction of the Council for the extinction of fire.

40. Where there is an electrical installation a properly qualified man must be in charge of such installation.

41. In all cases in which it is desired to instal temporary lighting, notice must be given to the clerk of the Council, in writing, as long as possible before it is desired to commence the work.

Wires and cables must be adequately and firmly fixed, and must be similar to the wires specified in the Council's Regulations, and in all cases where the wires are within reach of the public they must be cased.

All joints must be soldered and taped if used for more than one week, and if used less than a week the wire must be soldered, if larger than 7-20 S.W.G. or its equivalent. In either case the joints must be taped.

In portable fittings and appliances all joints, excepting those connecting the fittings, etc., to the permanent installations must be soldered.

The circuits must be sub-divided as much as possible, no sub-circuit exceeding 10 amperes at 100 volts, or correspondingly less at higher pressures.

All temporary work must be immediately removed when no longer required for the purpose for which it was installed.

In the case of temporary work on the stage, all connections to the permanent installation must be removed immediately after each performance in which they are used unless permission be obtained to the contrary.

Such special conditions as may be requisite in each case will be attached to the consent of the Council to the use of temporary electrical work.

42. All main switches, fuses, etc., which are the property of the electric supply company, must be distinguished by being coloured red with a white band.

43. At least one pair of india-rubber gloves must be provided for the use of the electricians in connection with the electric lighting arrangements as a precaution in the event of high voltage occurring. The gloves must be kept on the stage switch-board and be kept in good order.

44. At least one bucket, filled with dry sand, must be kept in some accessible position on the stage in readiness for use in dealing with an electric fire, and one must also be kept in each of the intake rooms.

45. All boilers, pipes, radiators, etc., used for heating purposes must be equipped and maintained in accordance with the Council's detail Regulations, copies of which may be obtained on application to the Clerk of the Council. Supply tanks must be covered and protected from frost, and the pipes and radiators must be protected where necessary by properly secured guards. 652

Every boiler or heating apparatus must be tested by hydraulic pressure when new, and annually thereafter, to twice the working pressure, in the presence of an official of the Council, the cost of any such test being borne entirely by the licensee of the premises. This test will not be required when the boiler or apparatus is insured with a recognised boiler insurance company, in which case a certificate, or a duplicate thereof, of a recent test made by the company, must be sent annually to the Clerk of the Council for inspection.

Where it is desired for stage effects to use apparatus or connections that do not comply with the Regulations of the Council as to steam boilers, heating apparatus, etc., application, accompanied by full details, must be made to the Council, and such apparatus, etc., must not be used until the Council's permission has been obtained.

When it is proposed to make use of a steam boiler that has not previously been inspected by the Council's officers and approved, a notice of seven clear days must be given to the Council before putting the boiler to work.

When such a boiler, having been inspected and approved at one theatre, is transported to another for use under exactly similar conditions, further inspection and approval may not be requisite, but the necessary seven days' notice must be given to the Council, and a recent certificate issued by the boiler insurance company must always be in the custody of the person who is in responsible charge of the boiler and must be produced to the Council's officers on demand.

Where a boiler is not a fixture on the premises, but may be transported from time to time to other licensed premises, it must bear some approved and permanent stamp or mark that will serve to identify it with the boiler referred to in the certificates granted by the boiler insurance company.

46. The name of the responsible manager must appear on the programme of the performance.

47. The following notice must be printed for the information of the public on the programme of the performance on the same page as the cast and in similar type to that used below :—

In accordance with the requirements of the London County Council—

(a.) The public may leave at the end of the performance by all exit and entrance doors and such doors must at that time be open.

(b.) All gangways, passages and staircases must be kept entirely free from chairs or any other obstructions.

(c.) Persons must not be permitted to stand or sit in any of the intersecting gangways, and if standing be permitted in the gangways at the sides and rear of the seating, sufficient space must be left for persons to pass easily to and fro.

(d.) The safety-curtain must be lowered about the middle of the performance so as to ensure its being in proper working order.

In addition to the above-mentioned Rules, in every place of public entertainment where there is a fire-resisting curtain provided, Rules Nos. 13, 20, 21, 23, 25, 26, 29, 32, 33, 34, 36, 37, 43, 44 and 49 must be legibly printed and posted up in a conspicuous position on each side of the stage behind the fire curtain.

48. The person in whose name the licence is granted will be held solely and entirely responsible for the carrying out of the above rules, and for the safety of the public and the employees in the event of fire or panic.

49. Admission must be given at all times to authorized officers of the London County Council.

G. L. GOMME,
Clerk of the Council.

N.B. Copies of these Rules will be supplied on application to the Clerk of the Council.

HOME SECRETARY'S REGULATIONS: CINEMATOGRAPH SHOWS.

605 REGULATIONS, DATED DECEMBER 20TH, 1909, MADE BY THE SECRETARY OF STATE UNDER THE CINEMATOGRAPH ACT, 1909 (9 EDW. 7, c. 30).

142 In pursuance of the power vested in me by the Cinematograph Act, 1909 (9 Edw. 7, c. 30), I hereby make the following Regulations:—

1. No building shall be used for cinematograph or other similar exhibitions to which the Act applies, unless it be provided with an adequate number of clearly indicated exits placed in such positions and so maintained as to afford safe and speedy egress for the audience.

The seating in the building in which the exhibition is given shall be so arranged as not to interfere with free access to the exits; and the gangways, staircases, and passages leading to the exits shall be kept clear of obstructions whether permanent or temporary, during the presence of the public.

2. ENCLOSURES.

(a.) The cinematograph apparatus shall be placed in an enclosure of sufficient dimensions to allow the operator to work freely; and, except in the case of a moveable building or structure, the enclosure shall be of a permanent nature. Such enclosure shall be placed outside the building or auditorium and shall be substantially constructed of fire-resisting material or lined internally with the same, and so ventilated as, in case of fire, to prevent the escape of smoke into the auditorium.

(b.) The entrance to the enclosure shall be fitted with a self-closing smoke-proof door of fire-resisting material suitably placed and opening outwards.

(c.) A suitable barrier shall be placed round the enclosure, or other effectual means taken, to prevent the audience coming into contact therewith.

(d.) Openings not larger than is necessary for effective projection, and not exceeding two for each lantern, shall be permitted in the front face of the enclosure. Each opening shall be fitted with a screen of fire-resisting material, which on being released from either inside or outside the enclosure shall close automatically with a smoke-proof joint.

(e.) The necessary pipes and cables shall enter through efficiently bushed openings.

3. Every licence granted under the Act shall contain specific conditions for the carrying out of Regulations 1 and 2 in the building for which the licence is granted.

Provided that, where the licensing authority is of opinion that it is impracticable, or, in the circumstances, unnecessary to safety, that the enclosure should be of a permanent nature or should be erected outside the building or auditorium, the licence may by express words dispense with these requirements. In any such case the enclosure shall be effectually ventilated direct to the outside air; and the floor, if of wood, shall be completely covered with fire-resisting material.

Subject to the provisions of No. 14 of these Regulations, every licence granted under the Act shall contain a clause providing for its lapse, or, alternatively, for its revocation by the licensing authority, if any alteration is made in the building or the enclosure without the sanction of the said authority.

4. The lantern shall be placed on firm supports of fire-resisting construction. The lantern shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.

The film gate shall be of massive construction and provided with ample heat radiating surface, and the passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

5. Where electric light is reasonably available for use in the building, no other illuminant shall be used for the purpose of the exhibition. In any case no illuminant other than electric light or limelight shall be used for such purpose.

6. ELECTRIC LIGHT.

(a.) Within the enclosure the insulating material of all electric cables including "leads" to lamps in the enclosure shall be covered with fire-resisting material.

(b.) There shall be no coils of slack electric cable within the enclosure. The "leads" to the apparatus shall be kept well apart both within and without the enclosure and so run that the course of each may be readily traced.

(c.) No current at a higher pressure than 110 volts shall be used within the enclosure.

(d.) The cables for the cinematograph apparatus shall be taken as a separate circuit from the source of supply, and there shall be efficient switches and fuses inserted at the point where the supply is taken, and in addition, an efficient double pole switch shall be fitted in the cinematograph lamp circuit inside the enclosure.

(e.) Resistance frames shall be constructed entirely of fire-resisting material and they shall, if reasonably practicable, be placed in a room apart from that used for the exhibition. If accessible to the public, they shall be protected by a wire guard or other efficient means. With the exception of a small resistance for regulating purposes, they shall be placed outside the enclosure.

7. LIMELIGHT.

(a.) If limelight be used in the lantern the gas cylinders shall be tested and filled in conformity with the requirements set out in the Appendix hereto. The tubing shall be of sufficient strength to resist pressure from without and shall be properly connected up. Ether and other inflammable liquids shall not be employed under any circumstances for producing light.

(b.) The gas in no case shall be stored in or used from bags or containers other than those constructed in accordance with the requirements contained in the Appendix.

8. All cinematograph projectors shall be fitted with two metal film boxes of substantial construction, and not more than twelve inches in diameter, inside measurement, to and from which the films shall travel. Such boxes shall be made to close in a manner which will prevent the ingress of fire, and shall be fitted with a film-slot so constructed as to prevent the passage of flame to the interior of the film box. Provided that, where only one film is used for the purpose of an exhibition, the film box may be not more than fourteen inches in diameter.

All films when not in the machine, and while still in the enclosure, shall be contained in closed metal boxes.

9. No smoking shall at any time be permitted within the enclosure.

10. No inflammable article unnecessary for the purposes of the exhibition shall be taken into or allowed to remain in the enclosure.

11. During an exhibition adequate fire appliances sufficient to deal promptly with a local outbreak of fire, including a bucket of dry sand, shall be kept available outside the enclosure and be in charge of a special attendant.

12. The general lighting of the auditorium and exits shall not be controlled solely from within the enclosure.

13. The management and the cinematograph operator shall take all due precautions for the prevention of accidents, and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition, and no unauthorized person shall be allowed in the enclosure.

14. In every case where a licence has been granted under the Act in respect of a building or structure of a moveable character, a plan and description of the building or structure, certified with the approval of the licensing authority, shall be attached to the licence. Such a licence may provide that any of the conditions or restrictions contained therein may be modified either by the licensing authority or by the licensing authority of the district where an exhibition is about to be given. The licence and plan and description shall be produced on demand to any police constable or to any person authorized by the licensing authority or by the authority in whose district the building or structure is being or is about to be used for the purpose of any such exhibition.

15. In these regulations the word "building" shall be deemed to include any booth, tent, or similar structure.

Given under my hand at Whitehall, this 20th day of December, 1909.

H. J. GLADSTONE,
One of His Majesty's Principal
Secretaries of State.

APPENDIX.

LIMELIGHT.

The gas cylinders shall be tested and filled in conformity with the following requirements, which follow the recommendations of the Departmental Committee of the Home Office on the Manufacture of Compressed Gas Cylinders [Report 7952 of 1896]:—

CYLINDERS OF COMPRESSED GAS (OXYGEN, HYDROGEN, OR COAL GAS).

(a.) LAP-WELDED WROUGHT IRON.—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed $6\frac{1}{2}$ tons per square inch.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch in hydraulic test not to exceed 10 per cent. of the elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between two rounded knife-edges without cracking.

(b.) LAP-WELDED OR SEAMLESS STEEL.—Greatest working pressure, 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed $7\frac{1}{2}$ tons per square inch in lap-welded, or 8 tons per square inch in seamless cylinders.

Carbon in steel not to exceed 0.25 per cent. or iron to be less than 99 per cent.

Tenacity of steel not to be less than 26 or more than 33 tons per square inch.

Ultimate elongation not less than 1.2 inches in 8 inches. Test-bar to be cut from finished annealed cylinder.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife-edges without cracking.

REGULATIONS APPLICABLE TO ALL CYLINDERS.

Cylinders to be marked with a rotation number, a manufacturer's or owner's mark, an annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

Testing to be repeated at least every two years, and annealing at least every four years.

A record is to be kept of all tests.

Cylinders which fail in testing to be destroyed or rendered useless.

Hydrogen and coal gas cylinders to have left-handed threads for attaching connections and to be painted red.

The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing overcharging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

Cylinders not to be refilled till they have been emptied.

If cylinders are sent out unpacked the valve fittings should be protected by a steel cap.

A minimum weight to be fixed for each size of cylinder in accordance with its required thickness. Cylinders of less weight to be rejected.

REQUIREMENTS: MEANS OF ESCAPE.

Approved by the Council, 10th December, 1907.

FACTORY AND WORKSHOP ACTS, 1901 AND 1907, AND LONDON BUILDINGS ACT (AMENDMENT) ACT, 1905—MEANS OF ESCAPE IN CASE OF FIRE. 182

NOTE.—Applicants are advised to obtain copies of the Acts of Parliament mentioned below.

LONDON BUILDING ACTS (AMENDMENT) ACT, 1905.

By the provisions of sections 7 and 9 of the London Building Acts (Amendment) Act, 1905, the duty is imposed upon the London County Council of ensuring that the following buildings shall be provided with such means of escape in case of fire as can be reasonably required in the circumstances of the case:— 559

(a.) **High Buildings.** Any high building, *i.e.*, a building having any storey the level of the upper surface of the floor whereof is at a greater height than 50 feet above the level of the footway (if any) immediately in front of the centre of the face of the building in which such storey is situate, or, where there is no such footway, above the level of the ground before excavation.

(b.) **Twenty-Person Buildings.** Any building in which sleeping accommodation is provided for more than twenty persons, or which is occupied by more than twenty persons, or in which more than twenty persons are employed, or any new building which is constructed or adapted to be occupied by more than twenty persons, or which is constructed or adapted for the employment therein of more than twenty persons.

NOTE.—Dwelling-houses occupied as such by not more than one family are exempt from the provisions of sections 7 and 9.

Projecting Shops. By the provisions of section 10, in every new and existing 562

building in which any persons are employed or sleep, part of which is used or adapted to be used as a shop and projects 7 feet or more beyond the main front of such building, the roofs over the projecting portions are required to be constructed of fire-resisting materials not less than 5 inches thick. Provisions are also made with regard to the position and construction of lantern lights and ventilating cowls in such roofs.

- 562 **Rooms over Premises Used for Storage of Inflammable Liquid.** By the provisions of section 11, buildings used in part for the storage of inflammable liquid and in part for living rooms, etc., are required to be provided with—

(1.) Adequate safeguards to prevent the spread of fire from the part of the building used for the storage of any such inflammable liquid to any room used as a living room, workshop or workroom constructed over or communicating directly with any part used for the storage of such inflammable liquid, and

(2.) Means of ready escape from such room in case of fire.

- 563 **Means of Access to Roofs.** By the provisions of section 12 every existing building having a shop projecting 7 feet or more from the main front of the building and to which section 10 above referred to applies, and every other existing building, except a dwelling-house occupied as such by not more than two families, and every new building shall, if having more than two storeys above the ground storey or if exceeding 30 feet in height, be provided (unless and except so far as the Council shall otherwise allow) with a dormer window or a door opening in a suitable position on to the roof or a trap door in a suitable position with a fixed or hinged step ladder or other proper means of access to the roof as specified in such section 12, and with a sufficient parapet or guard rail where reasonably practicable and necessary to prevent persons slipping off the roof. The provisions of such section do not apply to buildings falling within either sections 7 or 9 above-mentioned.

- 563 **Conversion of Buildings.** Under the provisions of section 13, buildings shall not, without the consent of the Council, be converted, whether by change of user involving structural alterations or not, in such a manner that the buildings when so converted will not be in conformity with the Act.

Means of Escape to be Maintained. Under the provisions of section 14 all means of escape provided under this Act or otherwise shall be kept and maintained by the owner of the building in good condition and repair, and efficient working order, and no person shall obstruct or render less commodious, or permit or suffer to be obstructed or rendered less commodious any such means of escape.

- 567 **Exemption of Certain Buildings.** Certain buildings are specially exempted from the operations of the Act (sections 28 to 42), and there is also a proviso (section 26) that the provisions of the Act shall not apply to any building the whole of which is a factory or workshop within the meaning of section 14 of the Factory and Workshop Act, 1901, or to any common lodging-house within the meaning of any statute for the time being in force relating to common lodging-houses within London.

- 565 **Right of Appeal under Certain Conditions.** Under certain defined circumstances (see section 22) the owner of an existing or new building has a right of appeal to the Tribunal of Appeal against the decision of the Council.

FACTORY AND WORKSHOP ACTS, 1901 AND 1907.

- 545 **Factories and Workshops.** The provisions of section 14 of the Factory and Workshop Act, 1901, and the provisions of the Factory and Workshop Act, 1907, require that each factory, workshop or laundry, in which more than 40 persons are employed, shall be provided with such means of escape in case of fire for the persons employed therein, as can reasonably be required in the circumstances of each case.

Arbitration in the Event of a Difference between Owner and Council. In case of a difference of opinion between the owner of an existing factory or workshop and the Council under section 14, there is a provision in the Act for arbitration, but this does not apply to new factories or workshops.

STATEMENT OF GENERAL REQUIREMENTS.

The following statement with reference to the requirements in respect of the means of escape in case of fire to be provided in accordance with the provisions of the before-mentioned Acts, has been drawn up with a view to assisting owners and others in submitting applications and proposals to the Council thereunder. This statement must not, however, be taken as binding upon the Council, but only as a general guide or indication, since each case is, after full consideration of the varying circumstances, dealt with on its merits; and nothing herein contained must be taken as in any way interfering with or derogating from the powers of the Home Office, the Council, the district surveyors or any other authority whatsoever under the Factory Acts, the London Building Acts or any other Act, or under any by-laws that may be made under section 15 and section 153, sub-section 3, of the Factory and Workshop Act, 1901, or under any by-laws or regulations relating to the construction of buildings or otherwise, or as constituting any consent, sanction, allowance or permission under any such Act, by-law or regulation, but all such Acts, by-laws and regulations must be fully observed and complied with notwithstanding anything herein contained. 196

APPLICATIONS.

Particulars Required. Applications for the Council's certificate in respect of the means of escape from new buildings, and applications with proposals to meet the Council's requirements in respect of the means of escape from existing buildings or for exemptions from any of the provisions of the above Acts should state:—

- (a.) The Act and section of the Act under which application is made.
- (b.) The number of persons for whom sleeping accommodation is provided and the number of persons occupying or employed on or intended to be occupied or employed on the various floors of the premises, specifying approximately the numbers of males and of females.
- (c.) The trade, if any, carried on or to be carried on on each floor, with particulars of machinery, power, etc.
- (d.) In the case of existing buildings, the date of the erection of the building.
- (e.) The name and address of the owner and the occupier (if any).
- (f.) Particulars of the occupation or proposed occupation of the building. If in different occupations, particulars with regard to each part should be furnished.

Plans Required. Applications should be accompanied by all necessary plans, sections and elevations, drawn to one-eighth inch or one-quarter inch scale (one-eighth preferred), and by a block plan to a small scale showing the premises and the surrounding buildings and thoroughfares, such block plan having the north point indicated. These plans should show (as far as may be necessary for the purpose of the application) the means of escape proposed to be provided.

MEANS OF ESCAPE.

Means of Escape. The means of escape required depend, inter alia, upon the following circumstances—

- (a.) The area and disposition of the building.
- (b.) The number and the distribution of the persons for whom the means of escape are to be provided.
- (c.) The user of the building.
- (d.) The nature of the construction of the building.
- (e.) In the case of a building used for trade purposes the nature of the materials and goods stored or manufactured in the building.
- (f.) The provision of an efficient system of automatic fire alarms, sprinklers, or other appliances.

Number of Staircases. It may, however, be laid down as a general principle (subject to the exceptions hereinafter mentioned) that at least one enclosed and protected staircase and exit will be required, and in addition an alternative means of escape from each floor by one of the following means:—

- (a.) Another enclosed and protected staircase and exit in the same building.

(b.) A suitable staircase in another block, to which access is given by doorway openings in the party or division walls, or by external communication.

(c.) External gangways or balconies affording access to adjoining or adjacent buildings.

(d.) An external iron staircase.

203 (e.) Any other suitable arrangement which will, in the opinion of the Council, secure the desired object having regard to the circumstances of any particular case. No arrangement which is not permanently fixed in position or which requires manipulation in part or in whole in order that it may be used in case of emergency can be accepted.

199 **Position.** Where two or more means of escape from any floor are provided, they should be placed as far as reasonably practicable from each other so as to be approached from any part of the floor area independently of any one fire risk on that floor.

(f.) **Escape by Roof.** In all cases where considered necessary by the Council some means of escape from the roof of the building to the roof of the adjoining premises should be provided.

201 (g.) **Cases in which One Staircase may be Deemed Sufficient.** In small premises, and in some cases where it is possible to provide a staircase in a central position, one enclosed staircase may be accepted provided that the premises are not used for the storage or manufacture of inflammable or explosive materials.

MAINTENANCE.

Maintenance. Periodical examination should be made of all means of escape provided to ascertain whether they are in good condition and repair and in efficient working order.

All persons who are employed in or who occupy buildings in which means of escape have been provided should be made acquainted with the position and nature of such means of escape.

In hotels, boarding-houses, etc., notices should be displayed in each bedroom giving information as to the position and nature of the means of escape in case of fire, and the corridors, staircases and exits should be efficiently lighted during the night.

DETAILS OF THE CONSTRUCTION, ETC., OF MEANS OF ESCAPE.

I.—ENCLOSED AND PROTECTED STAIRCASES.

A.—INTERNAL INCOMBUSTIBLE STAIRCASES.

(a.) **Enclosure.** The staircases, including landings, lobbies and passages from one flight to another should be enclosed by walls, not less than 9 inches thick, the outer edges of the steps and landings being properly supported.

(b.) The staircases should be ceiled with iron and concrete where they are not carried up above the roof, or where they are carried up above the roof and are liable to attack by fire from an adjoining structure.

(c.) **Materials to be Used.** The staircases, including the flooring in the lobbies, approach passage-ways, etc., should be constructed of incombustible materials with solid square or spandril steps, which should be supported at both ends on brickwork. The steps and landings should be not less than 6 inches thick.

(d.) Spandril steps where used should be of the following thickness—

(i.) For staircases 3 feet 6 inches wide, not less than 3 inches thick in the smallest part.

(ii.) For staircases 4 feet 6 inches wide, not less than 4½ inches thick in the smallest part.

B.—INTERNAL FIRE-RESISTING STAIRCASES.

198 (a.) **Materials to be Used and Enclosure.** The staircases, including the treads, strings, carriages, landings, joists and floors, should be constructed of oak, teak,

jarrah, karri or other hard timber of not less than $1\frac{3}{4}$ inches finished thickness (no fir or pine must be used), and the enclosure to the staircase should be a solid partition of incombustible or fire-resisting material at least 3 inches thick, carried up through the thickness of the floors.

(b.) The ceilings and soffits of the staircases and landings, if any, should be of plaster or cement.

(c.) A suitable balustrade should be provided where necessary to the outer strings of the staircases.

II.—EXTERNAL IRON STAIRCASES.

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(a.) The staircases, including the strings, bearers and supports, should be of iron, and constructed throughout upon dead bearings, to the satisfaction of the district surveyor.

(b.) The steps and landings should be constructed of solid or perforated iron plates (if perforated plates be used no perforation should exceed three-quarters of an inch across each way).

(c.) The risers should be of iron either solid or of a close pattern.

(d.) Where an iron staircase is in general use the treads and landings should be finished with a surface of approved non-slippery material as distinguished from perforated iron or chequered iron plates.

(e.) All windows and similar openings by or near any such staircase should be glazed with fire-resisting glazing, and where necessary the sashes and frames should be fixed. 200

(f.) A balustrade of a close pattern at a suitable height should be provided on each side of the flights and round the landings. If balusters be used they should be not more than 6 inches apart.

(g.) The staircases should deliver into the outer air, at the ground level, into a public way or thoroughfare, or some large open space.

III.—GENERALLY AS TO STAIRCASES.

(a.) **Position.** Internal staircases should, where practicable, be placed next to an outer wall, and be so arranged that persons enter them from any floor level in the direction of descent.

(b.) **Lighting and Ventilation.** Internal staircases should be properly lighted and ventilated by windows, or, in exceptional cases, other effective means.

(c.) **Treads and Risers.** The treads of the staircases should be not less than 10 inches wide clear of nosings, and the risers not more than $7\frac{1}{2}$ inches high.

(d.) **Handrails.** Staircases should be provided with handrails fixed upon both sides thereof, and continued round the landings and chased into the end of newel walls where these occur.

(e.) **Width of Staircases, etc.** Where the doorways or staircases may be used as means of escape by not more than 200 persons, they should be not less than 3 feet 6 inches wide. 196

(f.) Where the doorways or staircases may be used as means of escape by more than 200 persons or by more than 100 persons on any one floor, they should be not less than 4 feet 6 inches wide.

(g.) **Doorways to Staircases.** The doorways for access to and exit from the staircases should in all cases be of the width in the clear mentioned above when the doors are open.

(h.) All doorways leading to staircases should, where necessary, be recessed. The recesses should be constructed throughout of fire-resisting materials, and be fitted with doors of fire-resisting materials (oak, teak, jarrah, karri or other hard timber of not less than $1\frac{3}{4}$ inches finished thickness) in two folds hung so as to open in the direction of exit or to swing both ways clear of steps, landings, passageways and footways. Such doors must be fitted with springs, weights or other approved appliances to close them after use. The frames of the doors shall be bedded solid to the walls or partitions. 198

(i.) **Steps, Flights and Landings.** Staircases should be arranged in straight flights, without winders; each flight should consist of not more than fifteen steps;

landings should be provided at the top and bottom of each flight; the steps and landings should be of the full width of the staircases.

(j.) **Landing Spaces.** Landing spaces not less than 2 feet 6 inches wide should be provided between the steps of the flights and the escape doorways leading to and from the staircases.

(k.) **Supports and Enclosures.** All supports to internal fire-resisting staircases and their enclosures should be of fire-resisting materials, and all iron work supporting internal staircases and their enclosures should be protected by plastering or other incombustible or non-conducting external coating not less than 2 inches in thickness.

(l.) **Doors affording Access to Roof.** Doors at the head of staircases affording access to the roof should be glazed in the upper panels with ordinary glass.

IV.—EXTERNAL IRON GANGWAYS AND BALCONIES.

(a.) **Materials to be Used.** These gangways and balconies should be supported on dead bearings and be provided with solid floors of incombustible materials; if perforated iron flooring be used the perforations should not exceed three-quarters of an inch across each way.

(b.) **Balustrades.** A suitable balustrade not less than 3 feet 6 inches high should be provided to these gangways and balconies.

V.—ENCLOSURE AND POSITION OF LIFTS.

199 In cases where a lift will, in the opinion of the Council, endanger the means of escape, the following requirements should be observed—

(a.) **Position.** Lifts, excepting passenger lifts constructed within the open wells of staircases and enclosed only with metal grilles, should not be placed near to escape staircases and should not be connected directly therewith by means of openings or otherwise.

(b.) **Enclosure.** In buildings where fire-resisting floors are provided, lifts should be enclosed all up with incombustible materials and fire-resisting doors or shutters. When the shaft of the lift is carried up to the roof it should be continued through the roof, and, if covered, thin glass should be used, protected on the outside with strong wire guards.

(c.) In other buildings where there are large floors undivided by partitions, fixtures, etc., lifts if placed as far as practicable from the staircases, exits, etc., may be enclosed with fire-resisting materials to a height of 4 feet above each floor level, and above this with stout wire-mesh guard.

VI.—BUILDINGS USED FOR THE STORAGE OF INFLAMMABLE LIQUID.

(a.) **Buildings for Storage of Inflammable Liquid.** Rooms in which inflammable liquid is stored should be separated from other parts of the building by brick walls and fire-resisting floors and ceilings.

(b.) Doorways for access to such rooms should be fitted with self-closing, fire-resisting or iron doors.

(c.) Adequate ventilation should be provided.

(d.) Living-rooms, workshops or workrooms constructed over or communicating directly with any part of a building used for the storage of inflammable liquid, should be provided with exit doorways giving access to some safe position as far as practicable from the storage, and with doors hung to open in the direction of exit with only such fastenings as can be easily and immediately opened from the inside.

VII.—GENERAL.

(a.) **Guard Rails.** Proper guard rails should be provided to the routes of escape on roofs, etc., and round skylights, lantern lights and ventilating cowls on the roofs of projecting shops.

(b.) **Gangways.** Clear gangways should be kept up to and between all staircases, gangways and exits on all floors.

Escape Doors. (c.) All escape doors should be made so as to open in the direction of exit or to swing both ways, clear of steps, landings, passageways, etc.

(d.) All doors usable as means of escape from both sides should swing both ways and be kept free from all fastenings.

(e.) All such doors must, if required to be provided with fastenings during the time persons are upon the premises, be fitted during such time with automatic bolts only.

(f.) In buildings other than residential buildings a portion of the upper panels of all fire-resisting doors usable as means of escape should be glazed with transparent fire-resisting glazing, and it is suggested that a portion of the upper panels of all other principal exit doors should be glazed with clear glass, the glass to be at such a height as will enable persons approaching the doors in opposite directions to see each other.

Windows to Open. (g.) Windows on the floors above the ground floor facing the public way, street, thoroughfare or open space should be made to open easily at sill level to a sufficient height and width to allow a full grown person to pass through in case of need.

Windows and Doors. (h.) Windows and doors affording access to external escape staircases, balconies, bridges, etc., should be marked on the inside in large letters "Exit in case of fire."

THEATRES, MUSIC-HALLS, CONCERT-HALLS, Etc.

Premises to be used for music, dancing, stage plays or entertainments of a like kind are specially dealt with under the Metropolis Management and Building Acts (Amendment) Act, 1878 and the Metropolitan Board of Works (Various Powers) Act, 1882, and special Regulations relating to such premises have been made by the Council.

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County Hall,
Spring Gardens, S.W.
10th December, 1907.

G. L. GOMME,
Clerk of the Council.

REGULATIONS: METROPOLITAN WATER BOARD.

REGULATIONS MADE UNDER THE METROPOLIS WATER ACT, 1871.

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1. Place of Communication-pipe. No "communication-pipe" for the conveyance of water from the waterworks of the company into any premises shall hereafter be laid, until after the point or place at which such "communication-pipe" is proposed to be brought into such premises shall have had the approval of the company.

2. Weight of Lead Pipes. No lead pipe shall hereafter be laid or fixed in or about any premises for the conveyance of or in connexion with the water supplied by the company (except when and as otherwise authorized by these Regulations, or by the company), unless the same shall be of equal thickness throughout, and of at least the weight following, that is to say :—

Internal Diameter of Pipe in Inches.	Weight of Pipe in Lbs. per lineal Yard.
2-inch diameter.	5 lbs. per lineal yard.
2½ " "	6 " "
3 " "	7½ " "
3½ " "	9 " "
4 " "	12 " "
5 " "	16 " "

3. Interior Pipes. Every pipe hereafter laid or fixed in the interior of any dwelling-house for the conveyance of, or in connexion with, the water of the company, must, unless with the consent of the company, if in contact with the ground, be of lead, but may otherwise be of lead, copper, or wrought iron, at the option of the consumer.

4. Not More than One Communication-pipe to Each House. No house shall, unless with the permission of the company in writing, be hereafter fitted with more than one "communication-pipe."

5. Every House, with Certain Exceptions, to have its own Communication pipe. Every house supplied with water by the company (except in cases of stand-pipes) shall have its own separate "communication-pipe." Provided that, as far as is consistent with the special Acts of the company, in the case of a group or block of houses, the water-rates of which are paid by one owner, the said owner may, at his option, have one sufficient "communication-pipe" for such group or block.

6. No House to have Connexion with Fittings of Adjoining House. No house supplied with water by the company shall have any connexion with the pipes or other fittings of any other premises, except in the case of groups or blocks of houses, referred to in the preceding Regulation.

7. Connexion to be by Ferrule or Stop-cock. The connexion of every "communication-pipe" with any pipe of the company shall hereafter be made by means of a sound and suitable brass screwed ferrule or stop-cock with union, and such ferrule or stop-cock shall be so made as to have a clear area of waterway equal to that of a half-inch pipe. The connexion of every "communication-pipe" with the pipes of the company shall be made by the company's workmen, and the company shall be paid in advance the reasonable costs and charges of and incident to the making of such connexion.

8. Material and Joints of External Pipes. Every "communication-pipe" and every pipe external to the house and through the external walls thereof, hereafter respectively laid or fixed, in connexion with the water of the company, shall be of lead, and every joint thereof shall be of the kind called a "plumbing" or "wiped" joint.

9. No Pipe to be Laid through Drains, etc. No pipe shall be used for the conveyance of, or in connexion with, water supplied by the company, which is laid or fixed through, in, or into any drain, ashpit, sink, or manure-hole, or through, in, or into any place where the water conveyed through such pipe may be liable to become fouled, except where such drain, ashpit, sink or manure-hole, or other such place, shall be in the unavoidable course of such pipe, and then in every such case such pipe shall be passed through an exterior cast-iron pipe or jacket of sufficient length and strength, and of such construction as to afford due protection to the water-pipe.

10. Depth of Pipes under Ground. Every pipe hereafter laid for the conveyance of, or in connexion with, water supplied by the company, shall, when laid in open ground, be laid at least two feet six inches below the surface, and shall in every exposed situation be properly protected against the effects of frost.

11. No Connexion with Rain-water Receptacle. No pipe for the conveyance of, or in connexion with, water supplied by the company, shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain-water.

12. Stop-valve. Every "communication-pipe" for the conveyance of water to be supplied by the company into any premises shall have at or near its point of entrance into such premises, and if desired by the consumer within such premises, a sound and suitable stop-valve of the screw-down kind, with an area of waterway not less than that of a half-inch pipe, and not greater than that of the "communication-pipe," the size of the valve within these limits being at the option of the consumer.

If placed in the ground such "stop-valve" shall be protected by a proper cover and "guard-box."

13. Character of Cisterns and Ball-taps. Every cistern used in connexion with the water supplied by the company shall be made and at all times maintained water-tight and be properly covered and placed in such a position that it may be inspected and cleansed. Every such existing cistern if not already provided with an efficient "ball-tap," and every such future cistern shall be provided with a sound and suitable "ball-tap" of the valve kind for the inlet of water.

14. **Waste Pipes to be Removed or Converted into Warning-pipes.** No overflow or waste-pipe other than a "warning-pipe" shall be attached to any cistern supplied with water by the company, and every such overflow or waste-pipe existing at the time when these Regulations come into operation shall be removed, or at the option of the consumer shall be converted into an efficient "warning-pipe," within two calendar months next after the company shall have given to the occupier, or left at the premises in which such cistern is situate, a notice in writing requiring such alteration to be made.

15. **Arrangement of Warning-pipes.** Every "warning-pipe" shall be placed in such a situation as will admit of the discharge of the water from such "warning-pipe" being readily ascertained by the officers of the company. And the position of such "warning-pipe" shall not be changed without previous notice to and approval by the company.

16. **Buried Cisterns Prohibited.** No cistern buried or excavated in the ground shall be used for the storage or reception of water supplied by the company, unless the use of such cistern shall be allowed in writing by the company.

17. **Butts Prohibited.** No wooden receptacle without a proper metallic lining shall be hereafter brought into use for the storage of any water supplied by the company.

18. **Ordinary Draw-tap.** No draw-tap shall in future be fixed, unless the same shall be sound and suitable and of the "screw-down" kind.

19. **Draw-taps in Connexion with Stand-pipes.** Every draw-tap in connexion with any "stand-pipe" or other apparatus outside any dwelling-house in a court or other public place to supply any group or number of such dwelling-houses, shall be sound and suitable and of the "waste-preventer" kind, and be protected as far as possible from injury by frost, theft or mischief.

20. **Boilers, Water-closets, and Urinals to have Cisterns.** Every boiler, urinal, and water-closet, in which water supplied by the company is used (other than water-closets in which hand flushing is employed), shall, within three months after these Regulations come into operation, be served only through a cistern or service-box and without a stool-cock, and there shall be no direct communication from the pipes of the company to any boiler, urinal, or water-closet.

21. **Water-closet Apparatus.** Every water-closet cistern or water-closet service-box hereafter fitted or fixed in which water supplied by the company is to be used, shall have an efficient waste-preventing apparatus, so constructed as not to be capable of discharging more than two gallons of water at each flush.

22. **Urinal-cistern Apparatus.** Every urinal-cistern in which water supplied by the company is used, other than public urinal-cisterns, or cisterns having attached to them a self-closing apparatus shall have an efficient "waste-preventing" apparatus, so constructed as not to be capable of discharging more than one gallon of water at each flush.

23. **Water-closet Down-pipes.** Every "down-pipe" hereafter fixed for the discharge of water into the pan or basin of any water-closet shall have an internal diameter of not less than one inch and a quarter, and if of lead shall weigh not less than nine pounds to every lineal yard.

24. **Pipes Supplying Water-closet to Communicate with Cistern only.** No pipe by which water is supplied by the company to any water-closet shall communicate with any part of such water-closet, or with any apparatus connected therewith, except the service-cistern thereof.

25. **Bath to be Without Overflow Pipe.** No bath supplied with water by the company shall have any overflow waste pipe, except it be so arranged to act as a "warning-pipe."

26. **Bath Apparatus.** In every bath hereafter fitted or fixed the outlet shall be distinct from, and unconnected with, the inlet or inlets; and the inlet or inlets must be placed so that the orifice or orifices shall be above the highest water level of the bath. The outlet of every such bath shall be provided with a perfectly water-tight plug, valve, or cock.

27. **Alteration of Fittings.** No alterations shall be made in any fittings in

connexion with the supply of water by the company without two days' previous notice in writing to the company.

28. **Waterway of Fittings.** Except with the written consent of the consumer, no cock, ferrule joint, union, valve, or other fitting, in the course of any "communication-pipe," shall have a waterway of less area than that of the "communication-pipe," so that the waterway from the water in the district-pipe or other supply-pipe of the company up to and through the stop-valve prescribed by Regulation No. 12, shall not in any part be of less area than that of the "communication-pipe" itself, which pipe shall not be of less than a half-inch bore in all its course.

29. **Weight of Lead Pipes having Open Ends.** All lead "warning-pipes" and other lead pipes of which the ends are open so that such pipes cannot remain charged with water, may be of the following minimum weights, that is to say:—

$\frac{1}{2}$ -inch (internal diameter)	...	...	3 lbs. per yard.
$\frac{3}{4}$ " do.	...	...	5 "
1 " do.	...	...	7 "

30. **Definition of "Communication-pipe."** In these Regulations the term "communication-pipe" shall mean the pipe which extends from the district pipe or other supply pipe of the company up to the "stop-valve" prescribed in the Regulation No. 12.

31. **Penalties.** Every person who shall wilfully violate, refuse, or neglect to comply with, or shall wilfully do or cause to be done any act, matter, or thing, in contravention of these Regulations, or any part thereof, shall, for every such offence be liable to a penalty in a sum not exceeding £5.

32. **Authorized Officer may Act for company.** Where under the foregoing Regulations any act is required or authorized to be done by the company, the same may be done on behalf of the company by an authorized officer or servant of the company, and where under such Regulations any notice is required to be given by the company, the same shall be sufficiently authenticated if it be signed by an authorized officer or servant of the company.

33. **Existing Fittings.** All existing fittings, which shall be sound and efficient, and are not required to be removed or altered under these Regulations, shall be deemed to be prescribed fittings under the "Metropolis Water Act, 1871."

REGULATIONS: TRIBUNAL OF APPEAL.

REGULATIONS AS TO THE PROCEDURE TO BE FOLLOWED IN CASES OF APPEAL AND THE FEES TO BE PAID.

506 } MADE BY THE TRIBUNAL AND APPROVED BY THE LORD CHANCELLOR IN ACCORDANCE
595 } WITH SECTION 184.

239 1. **Generally.** All communications shall be written, type-written, or printed on foolscap paper.

All drawings shall be on tracing linen and in duplicate.

Any further drawings or copies of drawings shall (if so required by the Tribunal) be supplied by the appellant.

2. **Time and Place for Lodging Appeals.** Appeals shall be addressed to the Tribunal of Appeal and shall be lodged and the fee thereon shall be paid at the office of the Tribunal, No. 13, Great George Street, Westminster, S.W., by hand, within the period (if any) prescribed by the Act; and where no period is so prescribed, within fourteen days after notice of the decision, determination, certificate, requirement, or regulation appealed against has been given to or served on the appellant.

3. **Documents to be Lodged with Appeal.** The appeal, which shall specify the

section and sub-section under which it is made, shall be accompanied by copies of the original application and of the decision, determination, certificate, requirement, or regulation appealed against, with copies in duplicate on tracing linen of all plans or drawings relating thereto. These documents shall be supplemented by a short statement of the facts, setting out the grounds of the appeal, together with a list of the names and addresses of all parties to whom notices under the original application and of this appeal have been given.

4. **Notices to be Given by the Appellant.** The appellant shall also within the time limited for lodging the appeal give notice of such appeal to the London County Council, and in cases where the original applicant is not the appellant, to such applicant; and in case of an appeal under any of the following sections also to the persons mentioned opposite such section.

Section.	With Reference to	Persons to whom Notice to be given.	
5 (8)	The superintending architect's determination as to the level of the ground.	The superintending architect. The district surveyor.	454
13 (3)	The Council's determination that the prescribed distance shall be greater than 20 feet from the centre of the roadway.	The local authority.	460
13 (4)	The Council's consent to the erection, etc., of any building, etc., at a distance less than the prescribed distance from the centre of the roadway.	The local authority. The owners and occupiers of the nearest building on each side of the proposed building.	460
19	The refusal or conditional grant of Council's sanction under Part II. to streets.	The local authority.	462
19	The refusal by a district surveyor of his certificate to plans of a building or structure to be altered or re-erected under Section 13.	The district surveyor. The local authority.	462
25	The certificate of superintending architect as to general line of buildings.	The superintending architect. The local authority and all other persons entitled under section 24 to notice of the superintending architect's certificate.	463
29	The certificate of the superintending architect determining in what street or streets a building or structure is situate.	The superintending architect. The local authority and all other persons entitled to notice of the superintending architect's certificate.	464
43 (i) & (iii)	The refusal of a district surveyor to certify plans.	The district surveyor.	468
44	The Council's determination in cases where a person desires to re-arrange a cleared area.	The local authority.	469
46	The superintending architect's certificate determining the front and rear of a building.	The superintending architect.	469
48 (2b) & (4)	The Council's refusal to allow a building to be erected to a greater than the prescribed height.	Such owners or lessees as the Council may under this section direct.	470
78	The district surveyor's requirement respecting the construction of public buildings in case of disagreement.	The district surveyor.	480
79	The district surveyor's requirement respecting the conversion of any building into a public building in case of disagreement.	The district surveyor.	480

	Section.	With Reference to	Persons to whom Notice to be given.
493	122	The Council's refusal to permit, or any of the Council's Regulations as to, or the decision of their engineer, or conditions imposed on the Council's grant of a licence for the erection of dwelling-houses on low-lying land.	The Council's engineer. The local authority.
180	132	The refusal of a district surveyor to grant a certificate as to sky signs.	The district surveyor.

5. **All Documents to remain Deposited in the Office of the Tribunal.** All documents lodged with an appeal shall remain deposited in the office of the Tribunal as records of the case.

6. **Hearing of Appeals.** After the lodgment of an appeal the earliest convenient appointment shall be arranged for the hearing of the appeal and shall be communicated to the parties by letter. The fees in respect of the view (if any), the hearing and order shall be paid by the appellant before the hearing.

Appeals shall be heard at such place as the Tribunal may from time to time determine.

7. **Procedure at the Hearing of Appeals.** The hearing of appeals shall be open to the public.

The full Tribunal of three members shall sit to hear appeals.

The London County Council and the parties interested may appear before the Tribunal either in person or by counsel, solicitor, or agent, and the procedure at the hearing shall, subject to such variations as the Tribunal may think fit, be similar *mutatis mutandis* to that adopted on the trial of actions before the High Court, thus:—

Preliminary objections, if any, to be heard and disposed of.

Appellant to state his case and call his witnesses.

Respondent to state his case and call his witnesses.

Any other parties interested to be heard.

Appellant to reply.

8. **Decision of the Tribunal.** The decision of the Tribunal shall be embodied in an order in writing under the seal of the Tribunal.

9. **Order and Documents to be filed.** The original order and all documents relating thereto shall be filed and preserved in the office of the Tribunal.

10. **Office Copies.** Office copies under the seal of the Tribunal, of orders and other documents shall be upon payment supplied to any party to an appeal and shall be admissible in evidence for all purposes of the Act and Regulations to the same extent as the original would be admissible. All copies of orders or other documents appearing to be sealed with the said seal shall be deemed to be office copies without further proof.

11. **Documents open to Inspection.** The file of documents shall be open to inspection by any person at the office of the Tribunal between the hours of 11 and 3.

12. **Fees.** The fees to be paid to the Tribunal by the appellants and other parties are as follows:—

	* Higher Scale.			† Lower Scale.		
	£	s.	d.	£	s.	d.
Lodging appeal	2	0	0	1	0	0
View	2	0	0	1	0	0
Hearing	5	0	0	2	0	0
Order	2	0	0	1	0	0
Stating special case	2	0	0	1	0	0
Inspection of an order	0	1	0	0	1	0
„ of file of proceedings	0	2	6	0	2	6

Office copies, 6d. per folio. Plans, etc., according to work involved.

Copies other than office copies, 4d. per folio. Plans, etc., according to work involved.

* The higher scale shall apply to cases relating to lines of frontage, laying out of streets, open spaces about buildings, height of buildings, conversion of buildings into public buildings, and low-lying lands.

† The lower scale shall apply to all other cases.

The preceding Regulations as to procedure and fees to be paid were made by the Tribunal of Appeal in accordance with the London Building Act, 1894, section 184. This twenty-first day of February, 1895.

For and on behalf of the Tribunal,
ARTHUR CATES,
Chairman of the Tribunal.

Approved :

HERSCHELL, C.
March 1st, 1895.

All communications to be on foolscap paper and to be addressed to the Clerk of the Tribunal, No. 13, Great George Street, Westminster, S.W.

All payments to be made in cash. Cheques will not be received.

SCALE OF FEES AS THE REMUNERATION TO BE PAID TO DISTRICT
SURVEYORS UNDER SECTION 156 OF THE LONDON BUILDING ACT, 1894. 501

The following fees shall (unless the Tribunal shall in any case direct otherwise) be paid by the London County Council to a district surveyor for any work done by such district surveyor in relation to the preparation of evidence, and giving the same before the Tribunal of Appeal:—

	Higher Scale. £ s. d.	Lower Scale. £ s. d.
For each day's attendance before the Tribunal, to include all work in relation to the pre- paration of evidence and giving the same, .	2 2 0	1 1 0

The higher scale shall apply to all cases relating to lines of frontage, laying out of streets, open spaces about buildings, height of buildings, conversion of buildings into public buildings, and low-lying lands.

The lower scale shall apply to all other cases.

Signed on behalf of the Tribunal of Appeal in accordance with a resolution of the Tribunal of the 13th December, 1895,

ARTHUR CATES,
Chairman of the Tribunal.

ALPHABETICAL LIST OF

Surveyor.	District.
Ashbridge, A.	St. Marylebone. (43).
Batterbury, T.	Plumstead and Eltham. (34).
Black, P. J.	Battersea, Central. (1).
Bromley, H. T.	Wandsworth, East. (51).
Cheston, H.	Battersea, South, and part of Wandsworth. (2).
Clarkson, J.	Poplar, All Saints. (35).
Coggin, C. T.	Lambeth, Central, and Battersea, North. (27).
Conder, A.	Greenwich and Woolwich. (16).
Crow, A.	Whitechapel, Spitalfields, Mile-end New Town and the Tower Liberty. (53).
Daubney, C. A.	Rotherhithe. (37).
Davidge, W. R.	Lewisham. (29).
Dicksee, B. J.	Newington and part of St. George-the-Martyr, Southwark. (31).
Drury, E. D.	St. Margaret, St. John and St. Peter, Westminster. (42).
Fillary, A. A.	Streatham, West. (49).
Ford, L. R.	St. James, Westminster. (41).
Glasson, A. H. W.	Hammersmith. (20).
Goodchild, J.	Islington, North, and St. Pancras, North. (23).
Greig, B.	Deptford. (13).
Grellier, W.	Clapham. (12).
Grose, V. J.	Bermondsey. (3).
Hamilton, F. W.	Paddington. (33).
Hammond, F.	Hampstead. (21).
Hansom, R. D.	Kensington, South. (26).
Hardcastle, W. J.	Finsbury. (14).
Hewitt, E. R.	St. Saviour, St. George-the-Martyr (part) and Christchurch, Southwark, and North Lambeth. (45).
Hills, O. C.	Strand. (47).
Hunter, P.	Lambeth, South. (28).
Kerr, H. N.	Mile End and Limehouse. (30).
Knight, J. A. G.	Hackney, West. (19).

LIST OF DISTRICT SURVEYORS

No.	District.	Name.	Date of Appointment.	District Office.	Office Hours.
1	Battersea, Central	Black, Percy John	1910	47, Marmion-road, Battersea, S.W.	9.30—5 Saturday 9.30—1
2	Battersea, South, and part of Wandsworth	Cheston, Horace ...	1888	"Avondale," Wakehurst-road, Clapham-common, West Side, S.W. Tel. City 1854	10—4
3	Bermondsey ...	Grose, Vincent John	{ 1878 } { 1901 }	13, Railway-approach, London Bridge, S.E.	10—4

NOTE.—District limits are along the centres of the

DISTRICT SURVEYORS.

Surveyor.	District.
Lees, E. W.	Hackney, North-East. (17).
Legge, H. A.... ..	Fulham. (15).
Lovegrove, H.	Islington, South, and Shoreditch. (24).
Marsland, E.... ..	Camberwell. (7).
Mathews, J. D.	Stoke Newington. (46).
Mayhew, R. H. J.	Bromley, St. Leonard. (6).
Monier-Williams, S. F.	St. George, Hanover-square, Belgrave and Pimlico Division. (39).
Morrice, A. G.	Streatham, East. (48).
Mundy, T. E.	Chelsea. (9).
Notley, R. P.	Bethnal Green, West. (5).
Payne, A.	Hackney, South East, and North Bow. (18).
Perkins, W. G.	Holborn. (22).
Smith, R. E.... ..	Wandsworth, West. (52).
Stokes, A. P.	Norwood, West, and Tulse Hill. (32).
Street, E.	Bethnal Green, East, and South Bow. (4).
Surrey, C. W.	City of London, West. (11).
Todd, J.	City of London, East. (10).
Tolley, G.	Kensington, North. (25).
Verstage, A. H.	Sydenham. (50).
Wallen, F.	St. Pancras, South. (44).
Watson, T. H.	St. George, Hanover-square, North. (38).
Willis, T. W.	Putney and Roehampton. (36).
Young, E. A.	Catford. (8).
<i>Interim District Surveyors.</i>	
Greig, B.	Camberwell (an area eastward of Ivydale-road).
Daubney, C. A.	Camberwell (north of Grand Surrey Canal, etc.).
Tanner, A. W.	St. George-in-the-East. (40).

AND THEIR DISTRICTS.

Personal Attendance at District Office.	Description of District.	No.
9.30—10.30	Consisting of that part of the borough of Battersea southward of the L. & S. W. Railway, and northward of Clapham-common, North Side, and Battersea-rise.	1
By appointment	Consisting of that part of the borough of Battersea southward of Battersea-rise and Clapham-common, North Side, together with the late detached portion of Clapham in the borough of Wandsworth.	2
10—11	Consisting of that part of the borough of Bermondsey westward of the parish of Rotherhithe.	3

several streets mentioned, unless otherwise stated.

No.	District.	Name.	Date of Appointment.	District Office.	Office Hours.
4	Bethnal Green, East, and South Bow	Street, Edward ...	1885	109, Bow-road, E. Tel. Holborn 4853	10—4
5	Bethnal Green, West	Notley, Robert Pledge	1875	11, Paradise-row, Cambridge-road, N.E.	10—4
6	Bromley, St. Leonard	Mayhew, Robert Henry Jewers	1910	88, Bow-road, E.	9.30—5 Saturday 9.30—1
7	Camberwell (See also Nos. 13 and 37)	Marsland, Ellis ...	{ 1885 } { 1891 }	244, Camberwell- road, S.E. Tel. Hop 1404	9.30—5 Saturday 9.30—1
8	Catford	Young, Ernest Alexander	1910	1, Station Buildings, Catford Bridge, S.E.	9.30—5 Saturday 9.30—1
9	Chelsea	Mundy, Thomas Edward	{ 1886 } { 1903 }	6, Lincoln-street, King's-road, Chelsea, S.W. Tel. Victoria 1918	9.30—5 Saturday 9.30—1
10	City of London, East	Todd, John ...	1907	Hamilton House, 155, Bishopsgate, E.C. Tel. London Wall 7114	9.30—5 Saturday 9.30—1
11	City of London, West	Surrey, Christopher William	1907	134, Fleet-street, E.C. Tel. City 2790	9.30—5 Saturday 9.30—1
12	Clapham	Grellier, William ...	1888	188, High-street, Clapham, S.W. Tel. Victoria 178	10—4 Saturday 10—2
13	Deptford	Greig, Baxter ...	1910	Bank Chambers, 329, New Cross- road, S.E.	9.30—5 Saturday 9.30—1
14	Finsbury	Hardcastle, Wilfred John	{ 1888 } { 1908 }	5, Finsbury-square, E.C.	9.30—5 Saturday 9.30—1
15	Fulham	Legge, Herbert Alfred	{ 1907 } { 1908 }	Broadway House, The Broadway, Walham Green, S.W. Tel. Kensington 3553	9.30—5 Saturday 9.30—1
16	Greenwich and Woolwich	Conder, Alfred	{ 1882 } { 1910 }	Borough Hall, Royal-hill, Green- wich, S.E., and 21, William-street, Woolwich Tel. Vict. 1556	9.30—5 Saturday 9.30—1
17	Hackney, North- East	Lees, Ernest William	{ 1907 } { 1908 }	360, Mare-street, Hackney, N.E. Tel. Dalston 1601	9.30—5 Saturday 9.30—1

NOTE.—District limits are along the centres of the

Personal Attendance at District Office.	Description of District.	No.
10—11	Consisting of that part of the borough of Bethnal Green eastward of Cambridge-road; and that part of the borough of Poplar southward of Old Ford-road and the embankment of the Northern Outfall Sewer and northward of the late parish of St. Leonard, Bromley.	4
2 p.m., except Satur- days, and by appointment 9.30—10.30	Consisting of that part of the borough of Bethnal Green westward of Cambridge-road.	5
9.30—10.30	Consisting of the late parish of St. Leonard, Bromley, in the borough of Poplar.	6
9.30—10.30	Consisting of that part of the borough of Camberwell southward of a line from Camberwell-road along the Grand Surrey Canal and Old Kent-road, to the eastern boundary of the borough, and bounded on the east by the borough boundary to Nunhead-junction, and thence by the old parish boundary eastward of Ivydale-road, and thence by the borough boundary.	7
9.30—10.30	Consisting of that part of the borough of Lewisham eastward of the Nunhead and Shortlands railway and the centre of Stumps-hill, and southward of a line drawn along the centres of Catford-hill and Catford-road, Rushey Green, Brownhill-road, St. Mildred's-road, Burnt Ash-hill, and Winn-road.	8
9.30—10.30	Consisting of the borough of Chelsea.	9
9.30—10.30	Consisting of that portion of the City of London eastward of a line along the centres of Moor-lane, Fore-street, Aldermanbury-postern, Aldermanbury, Milk-street, Cheapside, Queen-street, and Queen-street-place.	10
9.30—10.30	Consisting of that portion of the City of London westward of a line along the centres of Moor-lane, Fore-street, Aldermanbury-postern, Aldermanbury, Milk-street, Cheapside, Queen-street, and Queen-street-place.	11
By appointment	Consisting of the parish of Clapham in the borough of Wandsworth.	12
9.30—10.30	Consisting of the borough of Deptford. <i>Note.</i> —Mr. Greig also acts as Interim District Surveyor for an area between the late parish line and the borough boundary eastward of Ivydale-road in the borough of Camberwell.	13
9.30—10.30	Consisting of the borough of Finsbury.	14
9.30—10.30	Consisting of the borough of Fulham.	15
9.30—10.30	Consisting of the borough of Greenwich and that part of the borough of Woolwich westward of Plumstead, together with the detached portions of Woolwich north of the River Thames.	16
9.30—10.30	Consisting of that part of the borough of Hackney eastward of Stamford-hill, Upper Clapton-road, and Lower Clapton-road, northward of the North London Railway and north-westward of Wick-road, Gainsborough-road and Temple Mills-road. <i>Note.</i> —Nos. 349—357, Wick-road are in this district.	17

several streets mentioned, unless otherwise stated.

No.	District.	Name.	Date of Appointment.	District Office.	Office Hours.
18	Hackney, South-East, and North Bow	Payne, Alexander	1880	10, St. Thomas's square, Mare-street, N.E.	10—4
19	Hackney, West ...	Knight, John Albert Gill	{1903 1908}	407, Kingsland-road, N. Tel. Dalston 629.	9.30—5 Saturday 9.30—1
20	Hammersmith ...	Glasson, Arthur Henry Wharton	{1902 1907}	3, The Grove, Hammersmith, W. Tel. Hammersmith 922	9.30—5 Saturday 9.30—1
21	Hampstead ...	Hammond, Frederic	{1880 1894 1896 1901}	305, Finchley-road, Hampstead, N.W. Tel. Hampstead, P.O. 990	9.30—5 Saturday 9.30—1
22	Holborn ...	Perkins, William George	{1903 1907}	6, Raymond-buildings, Gray's Inn, W.C. Tel. Holborn 328	9.30—5 Saturday 9.30—1
23	Islington, North, and St. Pancras, North	Goodchild, Josiah	{1890 1901 1906}	Bank-chambers, Parkhurst-road, Holloway, N.	9.30—5 Saturday 9.30—1
24	Islington, South, and Shoreditch	Lovegrove, Henry	{1887 1892 1906}	124, Shoreditch High-street, E.	9.30—5 Saturday 9.30—1
25	Kensington, North	Tolley, George	{1907 1910}	155, High-street, Notting Hill Gate, W. Tel. Paddington 5699	9.30—5 Saturday 9.30—1
26	Kensington, South	Hansom, Richard Dominic	{1903 1910}	6, Bolton-gardens, Old Brompton-road, S.W.	9.30—5 Saturday 9.30—1
27	Lambeth, Central, and Battersea, North	Coggin, Clarence Tilt	1902	69, Kennington Oval, S.E.	9.30—5 Saturday 9.30—1
28	Lambeth, South ...	Hunter, Percy	{1884 1902}	37, Clapham-road, S.W. Tel. Victoria 1334.	9.30—5 Saturday 9.30—1
29	Lewisham ...	Davidge, William Robert	{1907 1908}	Bank House, 95, High-street, Lewisham, S.E. Tel. Lee Green 857	9.30—5 Saturday 9.30—1
30	Mile End and Limehouse	Kerr, Henry Nathaniel	1907	1, West Arbour-street, Commercial-road East, E. Tel. East 1109	9.30—5 Saturday 9.30—1
31	Newington and part of St. George-the-Martyr, South-wark	Dicksee, Bernard John	1893	14 & 16, New Kent-road, S.E.	9.30—5 Saturday 9.30—1
32	Norwood, West, and Tulse Hill ...	Stokes, Albert Perkins	{1908 1910}	365, Norwood-road, S.E.	9.30—5 Saturday 9.30—1

NOTE.—District limits are along the centres of

Personal Attendance at District Office.	Description of District.	No.
By appointment	Consisting of that part of the borough of Hackney southward of the North London Railway to Wick-road, and of a line thence northward along five houses in Wick-road (Nos. 349—357), Gainsborough-road and Temple Mills-road, and bounded on the west by Mare-street; and also that part of the borough of Poplar northward of Old Ford-road and the embankment of the Northern Outfall Sewer.	18
9.30—10.30	Consisting of that part of the borough of Hackney westward of Mare-street, Lower Clapton-road, Upper Clapton-road, and Stamford-hill.	19
9.30—10.30	Consisting of the borough of Hammersmith.	20
9.30—11	Consisting of the borough of Hampstead.	21
9.30—10.30	Consisting of the borough of Holborn.	22
10—12 Except Saturdays	Consisting of that part of the borough of Islington westward of Blackstock-road, Highbury-park, and Highbury-place, and northward of the North London Railway from Highbury Station to Maiden-lane Station, and that part of the borough of St. Pancras northward of the North London Railway from Maiden-lane Station to Chalk Farm Station.	23
10.30—11.30 Except Saturdays	Consisting of that part of the borough of Islington eastward of Blackstock-road, Highbury-park, and Highbury-place and southward of the North London Railway from Highbury Station to Maiden-lane Station, together with the borough of Shoreditch.	24
9.30—10.30	Consisting of that part of the Royal Borough of Kensington north of Kensington-road and Kensington High-street.	25
9.30—10.30	Consisting of that part of the Royal Borough of Kensington south of Kensington-road and Kensington High-street.	26
9.30—10.30	Consisting of that part of the borough of Lambeth southward of Lambeth-road, and northward of a line from Nine Elms along Miles-street, South Lambeth-road, Dorset-road, Clapham-road, Prima-road, and Kennington-terrace; and also that part of the borough of Battersea northward of the London and South-Western Railway.	27
9.30—10.30	Consisting of that part of the borough of Lambeth bounded on the north by a line from Nine Elms along Miles-street, South Lambeth-road, Dorset-road, Clapham-road, Prima-road, and Kennington-terrace; and on the south by Acre-lane, Effra-road, Water-lane, and Dulwich-road.	28
9.30—10.30	Consisting of that part of the borough of Lewisham bounded on the west by the borough boundary, Honor Oak Park and Brockley-rise, on the south by Stanstead-road, Catford-hill, Catford-road, Rushey Green, Brownhill-road, St. Mildred's-road, Burnt Ash-hill and Winn-road.	29
9.30—11	Consisting of the hamlets of Mile End Old Town and Ratcliff, and the parish of St. Anne, Limehouse.	30
9.30—10.30	Consisting of that part of the borough of Southwark southward of Newington-butts, Newington-causeway, Borough High-street, and Long-lane.	31
9.30—11	Consisting of that part of the borough of Lambeth southward of Acre-lane, Effra-road, Water-lane and Dulwich-road.	32

the several streets mentioned, unless otherwise stated.

No.	District.	Name.	Date of Appointment.	District Office.	Office Hours.
33	Paddington ...	Hamilton, Frederick William	{1898 } {1907 }	195, Edgware-road, W.	9.30—5 Saturday 9.30—1
34	Plumstead and Eltham	Batterbury, Thomas	1887	97, Griffin-road, Plumstead, Woolwich, and Park-House, Court-road, Eltham, S.E. Tel. Holborn 4954	10—4
35	Poplar, All Saints	Clarkson, John	1878	136, High-street, Poplar, E. Tels. Eastern 785 Holborn 538	10—4
36	Putney and Roehampton	Willis, Thomas William	1879	9, Hotham-road, Putney, S.W.	9—5
37	Rotherhithe ...	Daubney, Charles Archibald	1910	84, Lower-road, Rotherhithe, S.E.	9.30—5 Saturday 9.30—1
38	St. George, Hanover-square, North	Watson, Thomas Henry	1875	9, Conduit-street, Regent-street, W. Tel. Mayfair 434	9—5
39	St. George, Hanover-square, Belgrave and Pimlico Division	Monier-Williams, Stanley Faithfull	{1898 } {1903 } {1907 }	47A, Eccleston-place, S.W. Tel. Victoria 272	9.30—5 Saturday 9.30—1
40	St. George-in-the-East	Tanner, Augustus William (Interim)	{1883 } {1896 } {1907 } {1910 }	334, Commercial-road East, E.	9.30—5 Saturday 9.30—1
41	St. James, Westminster	Ford, Lawton Robert	{1903 } {1907 }	60, Haymarket, S.W.	9.30—5 Saturday 9.30—1
42	St. Margaret, St. John and St. Peter, Westminster	Drury, Edward Dru	1870	25, Queen Anne's-gate, Westminster, S.W. Tel. Victoria 1587	10—5 Saturday 10—1
43	St. Marylebone ...	Ashbridge, Arthur	{1885 } {1891 }	17, York-place, Portman-square, W.	9.30—5 Saturday 9.30—1
44	St. Pancras, South	Wallen, Frederick	{1878 } {1906 }	96, Gower-street, W.C.	10—5 Saturday 10—1
45	St. Saviour, St. George-the-Martyr (part) and Christchurch, Southwark and North Lambeth	Hewitt, Edwin Richard	1882	182, Blackfriars-road, S.E.	10—4
46	Stoke Newington	Mathews, Joseph Douglas	1874	171, Church-street, Stoke Newington, N. Tel. Central 4006	10—4
47	Strand ...	Hills, Osborn Cluse	{1902 } {1907 }	60, Haymarket, S.W. Tel. Gerrard 4553	9.30—5 Saturday 9.30—1
48	Streatham, East ...	Morrice, Arthur George	1910	1, Drewstead-road, Streatham, S.W.	9.30—5 Saturday 9.30—1

NOTE.—District limits are along the centres of

Personal Attendance at District Office.	Description of District.	No.
9.30—10.30	Consisting of the borough of Paddington.	33
Plumstead, Mondays, Wednesdays and Fridays, 10—11 Eltham, 8—9 a.m., and at 6 p.m. and after, daily	Consisting of Plumstead and Eltham in the borough of Woolwich.	34
By appointment	Consisting of the late parish of All Saints, Poplar.	35
9—10.30	Consisting of Putney and the hamlet of Roehampton in the borough of Wandsworth.	36
9.30—10.30	Consisting of the parish of Rotherhithe in the borough of Bermondsey. <i>Note.</i> —Mr. Daubney also acts as Interim District Surveyor for that part of the borough of Camberwell northward of a line from Camberwell-road along the Grand Surrey Canal and Old Kent-road to the eastern boundary of the borough.	37
11—3	Consisting of that part of the parish of St. George, Hanover-square, northward of Knightsbridge and the south side of Piccadilly, together with that part of such parish situate between the east side of the Green Park and the west side of St. James's-street, and the detached portion of the parish of St. Margaret and St. John-the-Evangelist, Westminster.	38
9.30—10.30	Consisting of the Belgrave and Pimlico Division of St. George, Hanover-square, with the exception of that part northward of Knightsbridge.	39
9.30—10.30	Consisting of the parishes of St. George-in-the-East, St. John, Wapping, St. Botolph Without, Aldgate (except that part previously known as the Tower Liberty), and St. Paul, Shadwell, in the borough of Stepney.	40
9.30—10.30	Consisting of the parish of St. James, Westminster.	41
10—11 (except Saturday) and by appointment	Consisting of the parish of St. Margaret and St. John-the-Evangelist, Westminster (except the detached portion thereof), and the Close of the Collegiate Church of St. Peter, in the City of Westminster.	42
9.30—10.30	Consisting of the borough of St. Marylebone.	43
Usually 10—10.30 and 2—3 (except Saturday)	Consisting of that part of the borough of St. Pancras southward of the North London Railway line through Maiden-lane and Chalk Farm Stations.	44
By appointment	Consisting of that part of the borough of Southwark northward and westward of Newington-butts, Newington-causeway, Borough High-street and Long-lane, and that part of the borough of Lambeth northward of Lambeth-road.	45
By appointment	Consisting of the borough of Stoke Newington.	46
9.30—10.30	Consisting of the parishes of St. Martin-in-the-Fields ; St. Anne, Soho ; St. Paul, Covent-garden ; St. Clement Danes ; St. Mary-le-Strand ; the Savoy Precinct ; and the Liberty of the Rolls in the City of Westminster.	47
9.30—10.30	Consisting of that part of the borough of Wandsworth eastward of Mitcham-lane, Streatham High-road, Streatham-hill and Brixton-hill.	48

the several streets mentioned, unless otherwise stated.

No.	District.	Name.	Date of Appointment.	District Office.	Office Hours.
49	Streatham, West ...	Fillary, Albert Anthony	(1907) (1910)	44, Thrale-road, Streatham, S.W. Tel. Streatham 1186	9.30—5 Saturday 9.30—1
50	Sydenham... ..	Verstage, Arthur Halcrow	1910	Bank-chambers, Dartmouth-road, Forest-hill, S.E.	9.30—5 Saturday 9.30—1
51	Wandsworth, East..	Bromley, Henry Thomas	1910	50, Hendham-road, Upper Tooting, S.W.	9.30—5 Saturday 9.30—1
52	Wandsworth, West	Smith, Ravenscroft Elsey	1907	Bank-chambers, High-street, Wandsworth, S.W.	9.30—5 Saturday 9.30—1
53	Whitechapel, Spital- fields, Mile End New Town and the Tower Liberty	Crow, Arthur ...	1891	Hamilton House, 155, Bishopsgate, E.C.	9.30—5 Saturday 9.30—1

NOTE.—District limits are along the centres of

AUTHOR'S NOTE.—The foregoing, with one variation which consists in the omission of the Architect, to whom I am indebted for an advance proof.

Personal Attendance at District Office.	Description of District.	No.
9.30—10.30	Consisting of that part of the borough of Wandsworth southward of Clapham, eastward of Tooting High-street, Upper Tooting-road, Balham High-road, and Balham-hill, and westward of Mitcham-lane, Streatham High-road, Streatham-hill, and Brixton-hill.	49
9.30—10.30	Consisting of that part of the borough of Lewisham southward of Honor Oak Park, Brockley-rise, Stanstead-road and Catford-hill, and westward of the Nunhead and Shortlands Railway and the centre line of Stumps-hill.	50
9.30—10.30	Consisting of that part of the borough of Wandsworth eastward of the London and South-Western Railway and westward of Tooting High-street, Upper Tooting-road, Balham High-road and Balham-hill, with the exception of the late detached portion of Clapham.	51
9.30—10.30	Consisting of that part of the borough of Wandsworth westward of the London and South-Western Railway (main line) and eastward of Putney and Roehampton.	52
9.30—10.30	Consisting of the parish of St. Mary, Whitechapel; Christchurch, Spitalfields, the Liberty of Norton Folgate; the hamlet of Mile End New Town, and the Tower Liberty, which comprises (1st) His Majesty's Tower Ground, called the Old Artillery Ground, near Spitalfields; (2nd) the parish of Holy Trinity, Minories; (3rd) the Liberty and Precinct of Old Tower Without; and (4th) Wellclose Precinct including Wellclose-square.	53

the several streets mentioned, unless otherwise stated.

private addresses of District Surveyors, is a reprint of the list prepared by the Superintending

BY-LAWS AND REGULATIONS APPLYING THROUGH- OUT THE COUNTY, WITH THE EXCEPTION OF THE CITY OF LONDON.

[NOTE.—The headings for the various by-laws and regulations are not official.]

BY-LAWS: SEWERS.

350 BY-LAWS MADE BY THE METROPOLITAN BOARD OF WORKS ON 14TH MARCH, 1856, AND 8TH MAY, 1857, UNDER THE METROPOLIS MANAGEMENT ACT, 1855, RELATING TO THE CONSTRUCTION OR ALTERATION OF LOCAL SEWERS AND CONNECTION WITH MAIN SEWERS.

25 1. No new sewer shall be made without the previous approval of the Metropolitan Board of Works; and all vestries and district boards proposing to construct new sewers shall, before commencing any works for that purpose, submit to the said Council plans of the streets or places in which it is proposed to construct new sewers, drawn upon tracing cloth, to a scale of five feet to the mile, with the position of the proposed sewers shown thereon, and longitudinal sections of such sewers drawn to the same horizontal scale, and to a vertical scale of eleven feet to an inch, with the heights from Ordnance datum to the invert of the proposed sewers figured, and the rate of inclination specified therein. Also cross sections of the proposed sewers, drawn to a scale of half an inch to a foot, with a statement of the thickness and a description of the materials intended to be used in their construction.

When it shall be intended to abandon wholly or in part, or to extend, contract, or alter, any design for a sewer previously submitted to and approved by the Metropolitan Board of Works, notice in writing of such intention shall be given to the said Board, accompanied by plans and sections, as hereinbefore described, showing the extension, contraction, or alteration which may be intended; and no such abandonment, extension, contraction, or alteration shall be permitted without the previous approval in writing of the Metropolitan Board of Works.

Three clear days' notice in writing shall be given to the Metropolitan Board of Works by a vestry or district board previously to the connection of any sewer or drain with a main sewer, and the necessary junction for that purpose shall be made by such vestry or district board to the satisfaction of the Metropolitan Board of Works.

365 2. Where it is intended to lay house drains into main sewers, the following is to be the form of notice to be given by vestries and district boards—

To the Metropolitan Board of Works.

Application having been made to the vestry or district board of _____ by _____ of _____ for leave to lay down a _____ pipe drain _____ inches in diameter, to and from the house situate _____ into the main sewer, situate _____ the said vestry or district board of _____ therefore hereby give notice in accordance with the regulations of the said Board that the said communication with the said sewer will be made by them at the expiration of three days from the service hereof.

Dated this _____ day of _____

The following formalities shall be observed by persons wishing to branch sewers into main or other sewers, and by persons proposing to branch drains into main sewers—

365 All persons wishing to make or branch a sewer either into a sewer vested in the Metropolitan Board of Works, or into a sewer vested in any vestry or district board

shall, in the first instance, lay the plans and sections relating thereto before, and apply for the sanction of, the vestry or district board in which such last-mentioned sewer shall be situate, and no such sewer shall be begun to be made until the sanction of such vestry or district board shall have been given.

Before any vestry or district board shall sanction the construction of any such sewer, they shall submit the plans and sections thereof, when the same shall have been approved by them, to the Metropolitan Board of Works for their sanction, in the same manner as if such sewer were proposed to be constructed by such vestry or district board. 365

All persons wishing to make or branch any drain into a sewer vested in the Metropolitan Board of Works shall, seven days before commencing any works for that purpose, submit a proper plan and description in reference thereto before, and apply in writing for the sanction of the vestry or district board of the parish or district in which such sewer shall be situate, and no such work shall be commenced until the sanction of the said vestry or district board shall have been given.

BY-LAWS : SUBMISSION OF DRAINAGE PLANS.

BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 21ST JULY, 1903, UNDER THE METROPOLIS MANAGEMENT ACT, 1855 SECTION 202, AND THE METROPOLIS MANAGEMENT ACTS AMENDMENT (BY-LAWS) ACT, 1899, AND APPROVED BY THE LOCAL GOVERNMENT BOARD ON 20TH AUGUST, 1903. 352 539

Requiring persons about to construct, re-construct, or alter the pipes, drains, or other means of communicating with sewers, or the traps and apparatus connected therewith, to deposit with the sanitary authority of the district such plans, sections, and particulars of the proposed construction, re-construction, or alteration as may be necessary for the purpose of ascertaining whether such construction, re-construction, or alteration is in accordance with the statutory provisions relative thereto, and with the by-laws made under section 202 of the Metropolis Management Act, 1855.

CONSTRUCTION OF A DRAINAGE SYSTEM AS A WHOLE

1.—(1.) Every person who, in the provision of a drainage system as a whole, is about to construct the pipes, drains, or other means of communicating with a sewer, or the traps and apparatus connected therewith, shall deposit in duplicate with the sanitary authority of the district, at their office, such plans, sections, and particulars of the proposed construction as may be necessary for the purpose of enabling such authority to ascertain whether such construction is in accordance with the statutory provisions relative thereto, and with the by-laws made under section 202 of the Metropolis Management Act, 1855. 38

(2.) He shall cause such duplicate plans and sections to be clearly and indelibly made on a durable material to a scale (except in the case of block plans) of not less than one inch to every 16 feet, and shall, amongst other things, show thereon every floor of any building in connection with which such pipes or drains are to be used, and the position, form, levels and arrangement of the several parts of such building, including the roof thereof, and the size and position of every drain, manhole, gully, soil pipe, waste pipe, ventilating pipe, and rain-water pipe, and of any drain passing under such building, and the position of every bath, water-closet apparatus, slop-sink, urinal, lavatory basin or apparatus, sink (not being a slop-sink), and trap in connection with the foregoing. 235

(3.) He shall also show thereon the position of all windows and other openings into the building, and the height and position of all chimneys belonging to the building, within a distance of twenty feet from the open end of a soil pipe or ventilating pipe.

(4.) He shall at the same time deposit in duplicate with the sanitary authority of the district, at their office, a detailed description in writing of the intended mode of

constructing, jointing and fixing any such drain, manhole, gully, pipe, bath, water-closet apparatus, sink, urinal, lavatory basin or apparatus, or trap.

39

(5.) He shall at the same time deposit in duplicate with the sanitary authority of the district, at their office, a block plan of the premises upon which any such building is to be situated, or any such work is to be carried out (drawn to a scale of not less than one inch to every twenty-two feet), and he shall show thereon—

(a.) The block plan of such building.

(b.) The position of the whole of the buildings on the premises, and so much of the properties adjoining thereto as may be affected by the proposed work.

(c.) The names of the streets or thoroughfares immediately adjoining the premises, and the number or designation of the premises.

(d.) The difference of the level between the lowest floor of such building and the adjoining pavement.

(e.) The level of any yard, area, or ground, or open space belonging to such premises.

(f.) The lines, size, depth and inclination of the proposed drainage, and so far as can be ascertained without opening the ground, the lines, size, depth, and inclination of the existing drainage, the surface drains (if any), and if such proposed or existing drainage be in connection with a building the arrangements for the ventilation of the drains—the existing pipes and drains and the proposed pipes and drains to be distinctively indicated by different colours.

(g.) The position and form of every existing or proposed manhole or access chamber, gully, junction, bend, intercepting trap, or any connection with a sewer.

(h.) The points of the compass.

Provided, nevertheless, that it shall not be necessary to deposit a block plan in any case where the plans, sections and particulars deposited in accordance with the first paragraph of this by-law clearly show the particulars hereinbefore required to be shown on a block plan.

(6.) The plans, sections, particulars and detailed descriptions hereinbefore mentioned shall be so deposited 15 days at least before the work is proposed to be commenced, and, in the case where a building is to be erected, before commencing the erection of such building.

39

ADDITION TO, PARTIAL CONSTRUCTION, ENTIRE OR PARTIAL RECONSTRUCTION, OR ALTERATION OF, A DRAINAGE SYSTEM.

2. Every person who shall make any addition to, partially construct, entirely or partially reconstruct, or alter any pipes, drains, or other means of communicating with a sewer, or the traps and apparatus connected therewith, shall be deemed to have satisfied the foregoing by-law No. 1, if he shall cause a deposit to be made (in the manner therein provided) of only such plans, sections and particulars of the proposed addition, partial construction, entire or partial reconstruction, or alteration as may be necessary for the purpose of enabling such authority to ascertain whether such addition, partial construction, entire or partial reconstruction or alteration is in accordance with the statutory provisions relative thereto, and with any by-laws made under section 202 of the Metropolis Management Act, 1855, and, if in any case plans and sections have been previously deposited in conformity with the foregoing by-law No. 1, it shall be sufficient for him to give in writing with the deposit the date of the previous deposit, and to show the new work on the plans and sections to be deposited, and only so much of the existing work as will enable the sanitary authority to see the relative positions of the new and old work.

Provided that this by-law shall not be deemed to require the deposit of any plans, sections or particulars in the case of any repair which does not involve the alteration or the entire reconstruction of any pipe, drain, or other means of communicating with sewers or the traps and apparatus connected therewith.

ALTERATIONS OF DRAINS IN CASES OF URGENCY.

3.—(1.) In any case in which an alteration of the drains must be carried out at once, every person who is about to carry out such alteration shall, in lieu of depositing the

plans, sections, and particulars referred to in these by-laws, forthwith send to the sanitary authority in the district a notice in writing of any such proposed alteration.

(2.) He shall also within two weeks of the commencement of such alterations make the deposits required by these by-laws.

PENALTY.

4. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of two pounds, and in the case of a continuing offence to a further penalty of twenty shillings for each day after written notice of the offence given in accordance with section 202 of the Metropolis Management Act, 1855.

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DEFINITION OF "PERSON."

5. In these by-laws the word "person" includes any body of persons whether corporate or unincorporate.

EXEMPTION OF CITY.

6. These by-laws shall not extend to the City of London.

The foregoing by-laws were made by the London County Council on the 21st day of July, 1903, and were submitted to and confirmed at a subsequent meeting of the Council held on the 28th day of July, 1903, and the common seal of the Council was hereunto affixed on the 30th day of July, 1903.

L. S.

G. L. GOMME,
Clerk of the Council.

Approved by the Local Government Board this 20th day of August, 1903.

L.S.

S. B. PROVIS,
Secretary.

Acting on behalf of the said Board under the authority of their General Order, dated the twenty-sixth day of May, 1877.

BY-LAWS: DRAINAGE.

BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 30TH OCTOBER, 1900, UNDER SECTION 202 OF THE METROPOLIS MANAGEMENT ACT, 1855, FOR REGULATING THE DIMENSIONS FORM AND MODE OF CONSTRUCTION, AND THE KEEPING, CLEANSING AND REPAIRING OF THE PIPES, DRAINS AND OTHER MEANS OF COMMUNICATING WITH SEWERS AND THE TRAPS AND APPARATUS CONNECTED THEREWITH, AND APPROVED BY THE LOCAL GOVERNMENT BOARD ON 14TH JUNE, 1901.

352

DRAINAGE OF SUB-SOIL.

1. A person who shall erect a new building and shall cause the sub-soil of the site of such building to be drained by means of a drain communicating with any sewer, shall not construct such sub-soil drain in such a manner or in such a position as to communicate directly with such sewer, but shall provide a suitable and efficient trap between such sub-soil drain and such sewer.

40

He shall provide a ventilating opening to such trap at a point in the line of such sub-soil drain as near as may be practicable to such trap, and communicating directly with the open air.

He shall cause such ventilating opening to be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in or injury to any

pipe or drain by the introduction of any substance through such opening. He shall cause such grating or cover to be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted.

He shall cause such sub-soil drain between such trap and such sewer to be constructed in manner prescribed by the by-laws in that behalf for a drain used for conveying sewage.

He shall cause such sub-soil drain above such trap to be formed of suitable earthenware field pipes properly laid to a suitable fall and to discharge into such trap.

DRAINAGE OF SURFACE WATER.

- 40 2. A person who shall erect a new building and shall cause any area, forecourt, or paved or unpaved surface within the curtilage of the building to be drained by means of a drain or drains communicating with any sewer shall cause every inlet to such drain or drains to be constructed as a properly-trapped gully, and shall cause such drain or drains to be otherwise constructed in manner prescribed by the by-laws in that behalf for a drain used for conveying sewage.

RAIN-WATER PIPES.

3. Every person who shall erect a new building, and shall provide, in connection with such building, a pipe or channel for the purpose of conveying to any sewer any water that may fall on the roof, shall cause such pipe or channel to discharge in the open air over a properly trapped gully or into such gully above the level of the water in the trap thereof.

He shall not cause any such pipe or channel to be so constructed as to receive into such pipe or channel any solid or liquid matter from any water-closet, urinal, slop or other sink, or lavatory.

MATERIALS, ETC., FOR DRAINS.

- 40 4. Except in the case of a drain constructed for the drainage of the sub-soil of the site of a building, every person who shall erect a new building shall, in the construction of every drain of such building communicating with a sewer, use good sound pipes formed of glazed stoneware, or of cast iron, or of other equally suitable material.

He shall not construct any such drain so as to pass under any building, except in any case where any other mode of construction may be impracticable.

SIZE OF DRAIN.

He shall cause every such drain to be of adequate size, and, if constructed or adapted to be used for conveying sewage, to have an internal diameter of not less than four inches.

DRAIN TO BE LAID ON CONCRETE. FALL OF DRAIN.

- 41 He shall also cause every such drain, whether or not constructed or adapted to be used for conveying sewage, to be laid on a bed of good concrete not less than six inches thick, and projecting on each side of the drain to an extent at least equal to the external diameter of the drain. He shall also cause such drain to be laid with a suitable fall.

JOINTS OF DRAIN.

- 41 If he shall construct such drain of cast iron jointed with socket joints, he shall cause such joints to be not less than $2\frac{1}{4}$ inches in depth, and to be made with molten lead properly caulked, and he shall also cause the annular space for the lead, in the case of three-inch and four-inch pipes to be not less than $\frac{1}{4}$ inch in width, and, in the case of five-inch and six-inch pipes, to be not less than $\frac{3}{8}$ inch in width. If such drain be jointed with flange joints he shall cause such joints to be securely bolted together with some suitable insertion.

If he shall construct such drain of stoneware, or material other than metal, he shall cause such drain to be jointed with socket joints properly put together with cement or other equally suitable material.

DRAIN TO BE WATERTIGHT.

He shall cause every such drain (other than a drain constructed for the drainage of the sub-soil of the site of a building) to be so constructed as to be watertight and to be capable of resisting a pressure of at least two feet head of water.

CONCRETE TO BE FILLED IN.

He shall cause good concrete to be filled in so that it shall extend to the full width of the concrete bed already prescribed in this by-law, and so that such drain shall be embedded to the extent of not less than half its diameter.

THICKNESS AND WEIGHT OF IRON PIPES.

If he shall construct any such drain of cast iron, the thickness and weight of the pipes in proportion to the diameter thereof shall be as follows :— 41

Internal diameter, inches.	Thickness of metal, not less than—	Weight per 9-ft. length (including socket and beaded spigot or flanges the socket not to be less than $\frac{5}{8}$ in. thick), not less than—
3	$\frac{5}{16}$ of an inch.	110 lbs.
4	"	160 "
5	"	190 "
6	"	230 "

THICKNESS, SOCKETS AND JOINTS OF STONEWARE PIPES.

If he shall construct any such drain of stoneware or material other than metal, the thickness of the pipes, and depths of the sockets, and the annular space for the cement in proportion to the diameter shall be as follows :—

Internal diameter, inches.	Thickness of pipe, not less than—	Depth of socket, not less than, inches.	Annular space for the cement, not less than—
3	$\frac{1}{2}$ of an inch.	$1\frac{1}{2}$	$\frac{5}{16}$ of an inch.
4	"	$1\frac{3}{4}$	$\frac{5}{16}$ "
5	"	2	$\frac{5}{16}$ "
6	"	2	$\frac{5}{16}$ "
9	"	2	$\frac{7}{16}$ "

DRAINS UNDER BUILDINGS.

Where any such drain (other than a drain constructed for the drainage of the sub-soil of the site of a building) passes under a building, he shall cause such part thereof as passes under the building to be laid where practicable in a direct line for the whole distance beneath such building, and to be completely embedded in and covered with good and solid concrete at least six inches thick all round.

Provided that in any case where such drain shall be constructed of iron, he shall not be required to cover such drain with concrete, but unless it be carried above ground and also be carried at least at each joint on adequate piers or other sufficient supports, constructed of iron, stone, brick, or cement concrete, it shall be laid on a bed of good concrete in accordance with the requirements of this by-law relating to drains which do not pass under a building.

He shall whenever practicable cause adequate means of access to such drain to be provided at each end of such portion thereof as is beneath such building.

COMPOSITION OF CONCRETE.

- 41 He shall cause all concrete used in connection with any such drain, whether under a building or not, to be composed of clean gravel, hard brick broken small, or other suitable ballast, well mixed with clean sand and good Portland cement in the proportion of two parts of sand, one part of cement, and six parts of other material.

INLETS TO DRAINS TO BE TRAPPED.

He shall cause every inlet to every such drain, not being an inlet provided in pursuance of the by-law in that behalf as an opening for the ventilation of such drain, to be properly trapped by an efficient trap so constructed as to be capable of maintaining a sufficient water seal. He shall not construct or fix in or in connection with any such drain, any trap of the kind known as a bell-trap, a dip-trap or a D-trap.

PROTECTION OF DRAIN BENEATH WALL.

- 42 He shall, in every case where any such drain is laid beneath a wall, cause such drain to be protected at the part beneath the wall by means of an arch, flagstone, or iron support, which shall not bear on the drain and shall be of sufficient size and strength to prevent any disturbance of or other injury to such drain.

DRAINS TO BE TRAPPED FROM SEWER.

- 40 5. Every person who shall erect a new building shall provide in every main drain or other drain of such building which may immediately communicate with any sewer, a suitable and efficient intercepting trap at a point as distant as may be practicable from such building, and as near as may be practicable to the point at which such drain may be connected with the sewer.

ACCESS TO TRAP.

He shall, except in cases where the means of access to be provided in compliance with the preceding by-law shall give adequate means of access to such trap, provide a separate manhole or other separate means of access to such trap for the purpose of cleansing it.

6. A person erecting a new building shall cause every means of access provided in compliance with any of the foregoing provisions of these by-laws to be constructed so as to be water-tight up to the level of the adjoining ground surface or roadway and to be fitted with a suitable manhole-cover, and, if placed within a building, to be fitted with an air-tight cover.

NO RIGHT-ANGLED JUNCTIONS.

7. A person who shall erect a new building shall not construct the several drains of such building communicating with a sewer in such a manner as to form in such drains any right-angled junction either vertical or horizontal. He shall cause every such branch drain or tributary drain to join another drain obliquely in the direction of the flow of such drain, and as near as practicable to the invert thereof.

VENTILATION OF DRAINS.

- 42 8. Every person who shall erect a new building shall, for the purpose of securing efficient ventilation of the drains of such building communicating with a sewer, comply with the following requirements:—

(i.) He shall provide at least two untrapped openings to the drains, and in the provision of such openings he shall adopt such of the arrangements hereinafter specified as the circumstances of the case may render the more suitable and effectual.

(a.) One opening being above and near the level of the surface of the ground

adjoining such opening shall communicate with the drains by means of a suitable pipe, shaft or chamber, and shall be situated as near as may be practicable to the trap which, in pursuance of the by-law in that behalf, shall be provided between the main drain or other drain of the building and the sewer. The point at which such opening communicates with the drain shall also in every case be situated on that side of the trap which is the nearer to the building.

The second opening shall be obtained by carrying up from a point in the drains, as far distant as may be practicable from the point at which the first-mentioned opening shall be situated, a pipe or shaft, vertically, to such a height and in such a position as to afford by means of the open end of such pipe or shaft a safe outlet for foul air.

(b.) In every case where the foregoing arrangement of the openings to the drains may be impracticable or undesirable, there may be substituted the arrangement hereinafter prescribed.

One opening shall be obtained by carrying up from a point, as near as may be practicable to the trap, which, in pursuance of the by-law in that behalf, shall be provided between the main drain or other drain of the building and the sewer, a pipe or shaft, vertically, to such a height and in such a position as to afford, by means of the open end of such pipe, a safe outlet for foul air. The point at which such opening communicates with the drain shall also in every case be situated on that side of the trap which is the nearer to the building.

The second opening, being at a point in the drains as far distant as may be practicable from the point at which such last-mentioned pipe or shaft shall be carried up, shall be above and near the level of the surface of the ground adjoining such opening, and shall communicate with the drains by means of a suitable pipe or shaft.

(c.) If in any case neither of the two preceding arrangements are desirable, then both the first and second openings may be obtained by carrying up from the points referred to in the previous sub-section suitable vertical pipes or shafts to such heights and in such positions that when either acts as an inlet the other may be a safe outlet for foul air.

(ii.) He shall cause any opening provided in accordance with any of the arrangements hereinbefore specified to be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in or injury to any pipe or drain by the introduction of any substance through any such opening. He shall, in every case, cause such grating or cover to be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted.

(iii.) He shall not, except where unavoidable, cause any bend or angle to be made in any pipe or shaft used in connection with any of the arrangements hereinbefore specified.

(iv.) He shall cause every pipe or shaft which may be used in connection with any of the arrangements hereinbefore specified to have an internal diameter of not less than four inches.

(v.) He shall cause every pipe or shaft used in connection with any of the arrangements hereinbefore specified to be constructed in the same manner and of the same material and weight as if such pipe or shaft were a soil pipe.

(vi.) Provided always, that for the purpose of any of the arrangements hereinbefore specified the soil pipe of any water-closet, or the waste pipe of any slop sink constructed or adapted to be used for receiving any solid or liquid excremental filth, in every case where the situation, sectional area, height and mode of construction of such soil pipe or such waste pipe shall be in accordance with the requirements applicable to the pipe or shaft to be carried up from the drains, shall be deemed to provide the necessary opening for ventilation which would otherwise be obtained by means of such last-mentioned pipe or shaft.

Provided also that any such soil pipe or waste pipe shall, where such soil pipe or waste pipe shall have an internal diameter of not less than three and a half inches,

and shall in all other respects comply with the requirements as to the position, height and mode of construction of the pipe or shaft to be provided for the ventilation of any drain, be deemed to provide adequate ventilation for any drain having an internal diameter of not more than four inches.

No INLETS TO DRAINS WITHIN BUILDINGS.

- 42 9. A person who shall erect a new building shall not construct any drain of such building communicating with a sewer in such a manner that there shall be within such building any inlet to such drain except such inlet as may be necessary from the apparatus of any water-closet, slop sink or urinal.

MATERIAL OF WASTE PIPES.

- 42 10. A person who shall erect a new building shall cause every pipe in such building for carrying off waste water from every lavatory or sink (not being a slop sink or urinal constructed or adapted to be used for receiving any solid or liquid excremental filth) to a sewer, to be constructed of lead, iron or stoneware, and to be trapped immediately beneath such lavatory or sink by an efficient syphon trap, which shall be constructed of lead, iron or stoneware, with adequate means for inspection and cleansing, and which shall be ventilated into the external air whenever such ventilation may be necessary to preserve the seal of such trap.
- He shall not construct or fix in or in connection with such waste pipe, lavatory, or sink any trap of the kind known as a bell-trap, a dip-trap, or a D-trap.

WASTE PIPES TO DISCHARGE IN THE OPEN AIR.

He shall cause every pipe in such building for carrying off waste water to a sewer to be taken through an external wall of such building, and to discharge in the open air over a properly trapped gully or into such a gully above the level of the water in the trap thereof, or over a channel leading to such a gully.

SOIL PIPES.

- 43 11. Any person who shall provide a soil pipe in connection with a new building for the purpose of conveying to a sewer any solid or liquid excremental filth or shall for that purpose construct a soil pipe in connection with an existing building, shall, whenever practicable, cause such soil pipe to be situated outside such building, and shall construct such soil pipe in drawn lead or of heavy cast iron. Provided that in any case where it shall be necessary to construct such soil pipe within such building, he shall construct such soil pipe in drawn lead with proper wiped plumbers' joints, and so as to be easily accessible.

He shall construct such soil pipe, whether inside or outside the building, so that its weight, if the pipe be of lead, and its thickness and weight, if the pipe be of iron, in proportion to its length and internal diameter, shall be—

Diameter.	Lead. — Weight per 10-ft. length, not less than—	Iron.	
		Thickness of metal, not less than—	Weight per 6-ft. length (including socket and beaded spigot or flanges the socket not to be less than $\frac{1}{4}$ in. thick), not less than—
3½ inches.	65 lbs.	$\frac{1}{16}$ inch.	48 lbs.
4 "	74 "	$\frac{3}{16}$ "	54 "
5 "	92 "	$\frac{1}{4}$ "	69 "
6 "	110 "	$\frac{1}{2}$ "	84 "

If he shall construct such soil pipe of cast iron with socket joints, he shall cause such joints to be not less than 2½ inches in depth and to be made with molten lead properly

caulked, and he shall also cause the annular space for the lead, in the case of 3½-inch and 4-inch pipes, to be not less than ¼ inch in width, and, in the case of 5-inch and 6-inch pipes, to be not less than ⅜ inch in width. If he shall construct such soil pipe with flange joints he shall cause such joints to be securely bolted together with some suitable insertion.

He shall construct such soil pipe, whether inside or outside the building, so that it shall not be connected with any rain-water pipe or with the waste of any bath, or of any sink other than that which is provided for the reception of urine or other excremental filth, and he shall construct such soil pipe so that there shall not be any trap in such soil pipe or between the soil pipe and any drain with which it is connected.

He shall cause such soil pipe, whether inside or outside the building, to be circular and to have an internal diameter of not less than 3½ inches, and to be continued upwards without diminution of its diameter, and (except where unavoidable) without any bend or angle being formed in such soil pipe, to such a height and in such a position as to afford by means of the open end of such soil pipe a safe outlet for foul air.

CONNECTION OF LEAD SOIL PIPE, ETC., WITH IRON DRAIN, ETC.

12. Any person who shall connect a lead soil pipe, waste pipe, ventilating pipe, or trap with an iron pipe or drain communicating with a sewer, shall insert between such lead soil pipe, waste pipe, ventilating pipe, or trap, and such iron pipe or drain, a flanged thimble of copper, brass, or other suitable alloy, and shall connect such lead soil pipe, waste pipe, ventilating pipe, or trap with such thimble by means of a wiped or overcast metallic joint, and shall connect such thimble with such iron pipe or drain by means of a joint made with molten lead, properly caulked; provided always that it shall be sufficient if he shall connect the lead soil pipe, waste pipe, ventilating pipe, or trap with the iron pipe or drain in an equally suitable and efficient manner. 43

CONNECTION OF STONEWARE TRAP OF CLOSET, ETC., WITH LEAD SOIL PIPE, ETC.

13. Any person who shall connect a stoneware or semi-vitrified ware trap or pipe with a lead soil pipe, waste pipe or trap communicating with a sewer, shall insert between such stoneware or semi-vitrified ware trap or pipe and such lead soil pipe, waste pipe, or trap a socket of copper, brass, or other suitable alloy, and shall insert such stoneware or semi-vitrified ware trap or pipe into such socket, making the joint with Portland cement, and shall connect such socket with the lead soil pipe, waste pipe, or trap, by means of a wiped or overcast metallic joint; provided always that it shall be sufficient if he shall connect the stoneware or semi-vitrified ware trap or pipe with the lead soil pipe, waste pipe, or trap, in an equally suitable and efficient manner. 44

CONNECTION OF LEAD SOIL PIPE, ETC., WITH STONEWARE DRAIN, ETC.

14. Any person who shall connect a lead soil pipe, waste pipe, ventilating pipe, or trap with a stoneware or semi-vitrified ware pipe or drain communicating with a sewer, shall insert between such lead soil pipe, waste pipe, ventilating pipe, or trap and such stoneware or semi-vitrified ware pipe, or drain a flanged thimble of copper, brass, or other suitable alloy, and shall connect such lead soil pipe, waste pipe, ventilating pipe, or trap with such thimble by means of a wiped or overcast metallic joint, and shall insert the flanged end of such thimble into a socket on such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland cement; provided always that it shall be sufficient if he shall connect the lead soil pipe, waste pipe, ventilating pipe, or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner.

CONNECTION OF IRON SOIL PIPE, ETC., WITH STONEWARE DRAIN, ETC.

15. Any person who shall connect an iron soil pipe, waste pipe, ventilating pipe, or trap with a stoneware or semi-vitrified ware pipe or drain communicating with a sewer, shall insert the beaded spigot end of such iron soil pipe, waste pipe, ventilating

pipe, or trap into a socket on such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland cement; provided always that it shall be sufficient if he shall connect the iron soil pipe, waste pipe, ventilating pipe, or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner.

CONNECTION OF STONEWARE TRAP OF CLOSET, ETC., WITH IRON SOIL PIPE, ETC.

16. Any person who shall connect a stoneware or semi-vitrified ware trap or pipe with an iron soil pipe, waste pipe, trap, or drain communicating with a sewer, shall insert such stoneware or semi-vitrified ware trap or pipe into a socket on such iron soil pipe, waste pipe, trap, or drain, making the joint with Portland cement; provided always that it shall be sufficient if he shall connect the stoneware or semi-vitrified ware trap or pipe with the iron soil pipe, waste pipe, trap, or drain in an equally suitable and efficient manner.

VENTILATION OF TRAP OF WATER-CLOSET.

- 44 17. Any person who shall construct any water-closet, the soil pipe of which shall communicate with any sewer and shall be in connection with any other water-closet, shall cause the trap of every such water-closet to be ventilated into the open air at a point as high as the top of the soil pipe, or into the soil pipe at a point above the highest water-closet connected with such soil pipe, and so that the ventilating pipe shall have in all parts an internal diameter of not less than two inches and shall be connected with the arm of the soil pipe or the trap at a point not less than three and not more than twelve inches from the highest part of the trap and on that side of the water seal which is nearest to the soil pipe. He shall cause the joint between the ventilating pipe and the arm of the soil pipe or the trap to be made in the direction of the flow.

He shall construct such ventilating pipe in drawn lead or of heavy cast iron. Provided that in any case where it shall be necessary to construct such ventilating pipe within a building he shall construct such ventilating pipe in drawn lead.

He shall construct such ventilating pipe, whether inside or outside a building, so that if the pipe be of lead its weight shall not be less than 45 lbs. per 12-feet length, and if the pipe be of iron its thickness shall not be less than $\frac{3}{16}$ inch and its weight not less than 25 lbs. per 6-feet length.

He shall in all cases cause the joints in and the connections to such ventilating pipe to be made in the same manner as if such ventilating pipe were a soil pipe.

SLOP SINKS AND URINALS FOR FILTH.

- 44 18. A person who shall erect a new building, and shall construct in connection with such building a slop sink or urinal constructed or adapted to be used for receiving any solid or liquid excremental filth for conveyance to any sewer, shall construct or fix immediately beneath such slop sink or urinal an efficient syphon trap, so constructed as to be capable of maintaining a sufficient water seal between such slop sink or urinal and any drain, soil pipe or waste pipe in connection therewith. He shall not construct or fix in or in connection with such slop sink or urinal any trap of the kind known as a bell-trap, a dip-trap or a D-trap.

He shall as regards the ventilation of the trap of such slop sink or urinal and the construction of the waste pipe of such slop sink or urinal comply with all the requirements of the preceding by-laws which are applicable to the ventilation of the trap of a water-closet and the construction of a soil pipe, always provided that the internal diameter of the waste pipe of any such slop sink or urinal shall not be less than 3 inches, and where the internal diameter of such waste pipe is 3 inches the weight of such pipe for every 10 feet of length shall, if such waste pipe be constructed of lead, be not less than 60 lbs., and if such waste pipe be constructed of cast iron the weight of such pipe for every 6 feet of length shall be not less than 40 lbs.

MAINTENANCE IN STATE OF REPAIR.

19. The owner of any building shall as respects such building at all times maintain in a proper state of repair all pipes, drains and other means of communicating with sewers, and the traps and apparatus connected therewith.

PENALTY.

20. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of two pounds, and in the case of a continuing offence to a further penalty of twenty shillings for each day after written notice of the offence given in accordance with section 202 of the Metropolis Management Act, 1855.

APPLICATION OF BY-LAWS TO EXISTING BUILDINGS.

21. These by-laws shall, so far as practicable, apply to any person who shall construct or re-construct any pipe or drain or other means of communicating with sewers, or any trap or apparatus connected therewith, so far as he shall effect any such works in any building erected before the confirmation of these by-laws, as if the same were being constructed in a building newly erected. 44

DEFINITION OF "PERSON."

22. In these by-laws the word "person" includes any body of persons whether corporate or un-incorporate.

BY-LAWS NOT TO APPLY TO CITY.

23. These by-laws shall not extend to the City of London.

The foregoing by-laws were made by the London County Council on the 30th day of October, 1900, and were submitted to and confirmed at a subsequent meeting of the Council, held on the 6th day of November, 1900, and the common seal of the Council was hereunto affixed on the 7th day of November, 1900.

L. S.

G. L. GOMME,
Clerk of the Council.

Approved by the Local Government Board this fourteenth day of June, 1901.

L. S.

S. B. PROVIS,
Secretary.

Acting on behalf of the said Board under the authority of their General Order, dated the twenty-sixth day of May, 1877.

BY-LAWS: WATERCLOSETS, EARTH CLOSETS, PRIVIES, ASHPITS, CESSPOOLS, AND RECEPTACLES FOR DUNG.

BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 22ND JUNE, 1893, UNDER SECTION 39 (1) OF THE PUBLIC HEALTH (LONDON) ACT, 1891, WITH RESPECT TO WATERCLOSETS, EARTH CLOSETS, PRIVIES, ASHPITS, CESSPOOLS, AND RECEPTACLES FOR DUNG, AND THE PROPER ACCESSORIES THEREOF IN CONNECTION WITH BUILDINGS, WHETHER CONSTRUCTED BEFORE OR AFTER THE PASSING OF THIS ACT, AND ALLOWED BY THE LOCAL GOVERNMENT BOARD ON 28TH JUNE, 1893. 435

WATERCLOSETS AND EARTH CLOSETS.

1. Every person who shall hereafter construct a watercloset or earthcloset in connection with a building, shall construct such watercloset or earthcloset in such a position 44

that, in the case of a watercloset, one of its sides at the least shall be an external wall, and in the case of an earthcloset two of its sides at the least shall be external walls, which external wall or walls shall abut immediately upon the street, or upon a yard
45 or garden or open space of not less than one hundred square feet of superficial area, measured horizontally at a point below the level of the floor of such closet. He shall not construct any such watercloset so that it is approached directly from any room used for the purpose of human habitation, or used for the manufacture, preparation, or
45 storage of food for man, or used as a factory, workshop, or workplace, nor shall he construct any earthcloset so that it can be entered otherwise than from the external air.

He shall construct such watercloset so that on any side on which it would abut on a room intended for human habitation, or used for the manufacture, preparation, or storage of food for man, or used as a factory, workshop, or workplace, it shall be enclosed by a solid wall or partition of brick or other materials, extending the entire height from the floor to the ceiling.

He shall provide any such watercloset that is approached from the external air with a floor of hard smooth impervious material, having a fall to the door of such watercloset of half an inch to the foot.

He shall provide such watercloset with proper doors and fastenings.

Provided always that this by-law shall not apply to any watercloset constructed below the surface of the ground and approached directly from an area or other open space available for the purposes of ventilation, measuring at least forty superficial feet
45 in extent, and having a distance across of not less than five feet, and not covered in otherwise than by a grating or railing.

2. Every person who shall construct a watercloset in connection with a building, whether the situation of such watercloset be or be not within or partly within such building, and every person who shall construct an earthcloset in connection with a building, shall construct in one of the walls of such watercloset or earthcloset which shall abut upon the public way, yard, garden, or open space, as provided by the preceding
45 by-law, a window of such dimensions that an area of not less than two square feet, which may be the whole or part of such window, shall open directly into the external air.

He shall, in addition to such window, cause such watercloset or earthcloset to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such watercloset or earthcloset, or by an air-shaft, or by some other effectual method or appliance.

WATERCLOSETS.

3. Every person who shall construct a watercloset in connection with a building, shall furnish such watercloset with a cistern of adequate capacity for the purpose of flushing, which shall be separate and distinct from any cistern used for drinking purposes, and shall be so constructed, fitted, and placed as to admit of the supply of water for use in such watercloset so that there shall not be any direct connection
45 between any service pipe upon the premises and any part of the apparatus of such watercloset other than such flushing cistern.

Provided always that the foregoing requirement shall be deemed to be complied with in any case where the apparatus of a watercloset is connected for the purpose of flushing with a cistern of adequate capacity, which is used solely for flushing water-closets or urinals.

He shall construct or fix the pipe and union connecting such flushing cistern with the pan, basin, or other receptacle with which such watercloset may be provided, so that such pipe and union shall not in any part have an internal diameter of less than one inch and a quarter.

He shall furnish such watercloset with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom and from the trap connected therewith of any solid or liquid filth which may from time to time be deposited therein.

He shall furnish such watercloset with a pan, basin, or other receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle, to fall free of the sides thereof and directly into the water received and contained in such pan, basin, or receptacle.

He shall not construct or fix under such pan, basin, or receptacle, any "container" or other similar fitting.

He shall construct or fix immediately beneath or in connection with such pan, basin, or other suitable receptacle, an efficient siphon tap, so constructed that it shall at all times maintain a sufficient water seal between such pan, basin, or other suitable receptacle and any drain or soil pipe in connection therewith. He shall not construct or fix in or in connection with the watercloset apparatus any D trap or other similar trap.

* * * * *

(NOTE.—The last paragraph of by-law 3 and the whole of by-law 4 have been repealed by a by-law, made by the Council on 26th July, 1899, and allowed by the Local Government Board on 14th June 1901, and set out below.¹)

5. A person who shall newly fit or fix any apparatus in connection with any existing watercloset, shall as regards such apparatus and its connection with any soil pipe or drain, comply with such of the requirements of the foregoing by-laws as would be applicable to the apparatus so fitted or fixed if the watercloset were being newly constructed.

EARTHCLOSETS.

6. Every person who shall construct an earthcloset in connection with a building shall furnish such earthcloset with a reservoir or receptacle, of suitable construction and of adequate capacity, for dry earth, and he shall construct and fix such reservoir or receptacle in such a manner and in such a position as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein the necessary supply of dry earth.

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He shall construct or fix in connection with such reservoir or receptacle suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth to any filth which may from time to time be deposited in any receptacle for filth constructed, fitted, or used, in or in connection with such earthcloset.

He shall construct such earthcloset so that the contents of such reservoir or receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any premises.

7. Every person who shall construct an earthcloset in connection with a building shall construct such earthcloset for use in combination with a movable receptacle for filth.

He shall construct such earthcloset so as to admit of a movable receptacle for filth, of a capacity not exceeding two cubic feet, being placed and fitted beneath the seat in such a manner and in such a position as may effectually prevent the deposit upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct such receptacle for filth in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth to any filth which may be from time to time deposited in such receptacle for filth, and in such a manner and in such a position as to admit of ready access for the purpose of removing the contents thereof.

He shall also construct such earthcloset so that the contents of such receptacle for filth may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any premises.

PRIVIES.

45

8. Every person who shall construct a privy in connection with a building shall construct such privy at a distance of twenty feet at the least from a dwelling-house, or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

9. A person who shall construct a privy in connection with a building shall not construct such privy within the distance of one hundred feet from any well, spring, or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

10. Every person who shall construct a privy in connection with a building shall construct such privy in such a manner and in such a position as to afford ready means of access to such privy, for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house, or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade or business.

11. Every person who shall construct a privy in connection with a building, shall provide such privy with a sufficient opening for ventilation as near to the top as practicable and communicating directly with the external air.

He shall cause the floor of such privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than six inches above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of half an inch to the foot.

12. Every person who shall construct a privy in connection with a building shall construct such privy for use in combination with a movable receptacle for filth, and shall construct over the whole area of the space immediately beneath the seat of such privy a floor of flagging or asphalte or some suitable composite material, at a height of not less than three inches above the level of the surface of the ground adjoining such privy ; and he shall cause the whole extent of each side of such space between the floor and the seat, other than any part that may be occupied by any door or other opening therein, to be constructed of flagging, slate, or good brickwork, at least nine inches thick, and rendered in good cement or asphalted.

He shall construct the seat of such privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding two cubic feet being placed and fitted beneath such seat in such a manner and in such a position as may effectually prevent the deposit, upon the floor or sides of the space beneath such seat or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct such privy so that for the purpose of cleansing the space beneath the seat, or of removing therefrom or placing or fitting therein an appropriate receptacle for filth there shall be a door or other opening in the back or one of the sides thereof capable of being opened from the outside of the privy, or in any case where such a mode of construction may be impracticable, so that for the purposes aforesaid the whole of the seat of the privy or a sufficient part thereof may be readily moved or adjusted.

13. A person who shall construct a privy in connection with a building shall not cause or suffer any part of the space under the seat of such privy, or any part of any receptacle for filth in or in connection with such privy, to communicate with any drain.

WATERCLOSETS, EARTH-CLOSETS AND PRIVIES.

46

14. Every person who shall intend to construct any watercloset, earthcloset, or privy, or to fit or fix in or in connection with any watercloset, earthcloset, or privy

any apparatus or any trap or soil pipe, shall, before executing any such works, give notice in writing to the clerk of the sanitary authority.

EARTHCLOSETS AND PRIVIES.

15. Every owner of an earthcloset or privy existing at the date of the confirmation of these by-laws shall, before the expiration of six months from and after such date of confirmation, cause the same to be reconstructed in such manner that its position, structure and apparatus shall comply with such of the requirements of the foregoing by-laws as are applicable to earthclosets or privies newly constructed. 46

ASHPITS.

16. When any person shall provide an ashpit in connection with a building, he shall cause the same to consist of one or more movable receptacles sufficient to contain the house refuse which may accumulate during any period not exceeding one week. Each of such receptacles shall be constructed of metal and shall be provided with one or more suitable handles and cover. The capacity of each of such receptacles shall not exceed two cubic feet. 46

Provided that the requirement as to the size of each of such receptacles shall not apply to any person who shall construct such receptacle or receptacles in connection with any premises to which there is attached as part of the conditions of tenancy the right to dispose of house refuse in an ashpit used in common by the occupiers of several tenancies, but in no case shall such ashpit be of greater capacity than is required to enable it to contain the refuse which may accumulate during any period not exceeding one week.

17. The occupier of any premises who shall use any ashpit shall, if such ashpit consist of a movable receptacle, cause such receptacle to be kept in a covered place, or to be properly covered, so that it shall not be exposed to rainfall, and if such ashpit consist of a fixed receptacle, he shall cause the same to be kept properly covered.

18. Where the sanitary authority have arranged for the daily removal of house refuse in their district, or in any part thereof, the owner of any premises in such district or part thereof shall provide an ashpit which shall consist of one or more movable receptacles, sufficient to contain the house refuse which may accumulate during any period not exceeding three days, which the sanitary authority may determine, and of which the sanitary authority shall give notice by public announcement in their district. Each of such receptacles shall be constructed of metal, and provided with one or more suitable handles and cover. The capacity of each of such receptacles shall not exceed two cubic feet.

Provided always that this by-law shall not apply to the owner of any premises until the expiration of three months after the sanitary authority have publicly notified their intention to adopt a system of daily collection of house refuse in that part of their district which comprises such premises.

19. Where any receptacle shall have been provided as an ashpit for any premises in pursuance of any by-law in that behalf, no person shall deposit the house refuse which may accumulate on such premises in any ashpit that does not comply with the requirements of these by-laws.

CESSPOOLS.

20. Every person who shall construct a cesspool in connection with a building, shall construct such cesspool at a distance of one hundred feet at the least from a dwelling-house, or public building, or any building in which any person may be or may be intended to be, employed in any manufacture, trade, or business. 46

21. A person who shall construct a cesspool in connection with a building shall not construct such cesspool within the distance of one hundred feet from any well, spring, or stream of water.

22. Every person who shall construct a cesspool in connection with a building, shall construct such cesspool in such a manner and in such a position as to afford ready means of access to such cesspool, for the purpose of cleansing such cesspool, and of removing the contents thereof, and in such a manner and in such a position

as to admit of the contents of such cesspool being removed therefrom, and from the premises to which such cesspool may belong, without being carried through any dwelling-house, or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

He shall not in any case construct such cesspool so that it shall have, by drain or otherwise, any means of communication with any sewer or any overflow outlet.

23. Every person who shall construct a cesspool in connection with a building, shall construct such cesspool of good brickwork bedded and grouted in cement, properly rendered inside with cement, and with a backing of at least nine inches of well-puddled clay around and beneath such brickwork, and so that such cesspool shall be perfectly watertight.

He shall also cause such cesspool to be arched or otherwise properly covered over, and to be provided with adequate means of ventilation.

RECEPTACLES FOR DUNG.

46 24. A person shall not use as a receptacle for dung any receptacle so constructed or placed that one of its sides shall be formed by the wall of any room used for human habitation, or under a dwelling-house, factory, workshop, or workplace, and he shall not use any receptacle in such a situation that it would be likely to cause a nuisance or become injurious or dangerous to health.

25. Every owner of any existing receptacle for dung shall, before the expiration of six months from the date of the confirmation of these by-laws, and every person who shall construct a receptacle for dung, shall cause such receptacle to be so constructed that its capacity shall not be greater than two cubic yards, and so that the bottom or floor thereof shall not, in any case, be lower than the surface of the ground adjoining such receptacle.

He shall so construct such receptacle that a sufficient part of one of its sides shall be readily removable for the purpose of facilitating cleansing.

He shall also cause such receptacle to be constructed in such a manner and of such materials, and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the ground or into the wall of any building.

He shall cause such receptacle to be so constructed that no rain or water can enter therein, and so that it shall be freely ventilated into the external air.

Provided that a person who shall construct a receptacle for dung, the whole of the contents of which are removed not less frequently than every forty-eight hours, shall not be required to construct such receptacle so that its capacity shall not be greater than two cubic yards.

And provided that a person who shall construct a receptacle for dung, which shall contain only dung of horses, asses or mules with stable litter, and the whole of the contents of which are removed not less frequently than every forty-eight hours, may, instead of all other requirements of this by-law, construct a metal cage, and shall beneath such metal cage adequately pave the ground at a level not lower than the surrounding ground, and in such a manner and to such an extent as will prevent any soakage into the ground; and if such cage be placed near to or against any building he shall adequately cement the wall of such building in such a manner and to such an extent as will prevent any soakage from the dung within or upon such receptacle into the wall of such building.

26. [NOTE. - By-law No. 26 has been repealed by a by-law made by the Council on 10th November, 1904, and allowed by the Local Government Board on 3rd January, 1905, and which is set out below¹ together with the by-laws made in place of the repealed by-law.]

MAINTENANCE OF CLOSETS, ETC.

27. The owner of any premises shall maintain in proper condition of repair every watercloset, earthcloset, privy, ashpit, cesspool, and receptacle for dung, and the proper accessories thereof belonging to such premises.

¹ Author's reference : on pages 707 and 708.

PENALTIES.

28. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of five pounds, and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority. Provided nevertheless that the court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if the court think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

The seal of the London County Council was hereunto affixed on the 22nd day of June, 1893.



H. DE LA HOOKE,
Clerk of the Council.

Allowed by the Local Government Board this 28th day of June, 1893.



HENRY H. FOWLER,
President.
HUGH OWEN,
Secretary.

REPEALING BY-LAW, ABOVE REFERRED TO, MADE BY THE COUNCIL ON 26TH JULY, 1899, AND ALLOWED BY THE LOCAL GOVERNMENT BOARD ON 14TH JUNE, 1901.

From and after the date of the confirmation of this by-law, the by-law numbered 4, 703 and so much of the by-law numbered 3 as provides as follows, that is to say—

“If he shall construct any watercloset or shall fix or fit any trap to any existing 700 watercloset or in connection with a soil-pipe, which is itself in connection with any other watercloset, he shall cause the trap of every such watercloset to be ventilated into the open air at a point as high as the top of the soil-pipe, or into the soil-pipe at a point above the highest watercloset connected with such soil-pipe, and so that such ventilating pipe shall have in all parts an internal diameter of not less than two inches, and shall be connected with the arm of the soil-pipe at a point not less than three and not more than twelve inches from the highest part of the trap and on that side of the water seal which is nearest to the soil-pipe”—

in the series of by-laws with respect to “waterclosets, earthclosets, privies, ashpits, cesspools, and receptacles for dung, and the proper accessories thereof in connection with buildings, whether constructed before or after the passing of this Act,” which was made by the London County Council on the twenty-second day of June, 1893, and confirmed by the Local Government Board on the twenty-eighth day of June, 1893, shall be repealed.

The seal of the London County Council was hereunto affixed on the 26th day of July, 1899.



C. J. STEWART,
Clerk of the Council.

Allowed by the Local Government Board this fourteenth day of June, 1901.



S. B. PROVIS,
Secretary.

Acting on behalf of the said Board under the authority of their General Order, dated the twenty-sixth day of May, 1877.

REPEALING BY-LAW, ABOVE REFERRED TO, MADE BY THE COUNCIL ON 10TH NOVEMBER, 1904, AND ALLOWED BY THE LOCAL GOVERNMENT BOARD ON 3RD JANUARY, 1905.

1. The occupier of any premises shall cause every watercloset belonging to such premises to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such watercloset in a cleanly condition.

The occupier of any premises shall once at least in every week cause every receptacle for dung belonging to such premises to be emptied and thoroughly cleansed.

Provided that where two or more lodgers in a lodging-house are entitled to the use in common of any watercloset or receptacle for dung the landlord shall cause such watercloset to be cleansed or receptacle for dung to be emptied and cleansed as aforesaid.

47 The owner of any lodging-house shall, subject to the provision hereinafter specified, provide and maintain in connection with such house watercloset, earthcloset or privy accommodation in the proportion of not less than one watercloset, earthcloset or privy for every twelve inmates of such house.

Provided that proceedings shall not be taken against the owner of any lodging-house for an offence against the last mentioned requirement of this by-law unless and until the owner after service upon him of a notice in writing by the sanitary authority requiring him within such reasonable time as is specified in the notice to comply with the by-law has failed to comply with the by-law within the time so specified.

For the purposes of this by-law a "lodging-house" means a house or part of a house which is let in lodgings or occupied by members of more than one family. "Landlord" in relation to a house or part of a house which is let in lodgings or occupied by members of more than one family means the person (whatever may be the nature or extent of his interest) by whom or on whose behalf such house or part of a house is let in lodgings or for occupation by members of more than one family or who for the time being receives or is entitled to receive the profits arising from such letting. "Lodger," in relation to a house or part of a house which is let in lodgings or occupied by members of more than one family, means a person to whom any room or rooms in such house or part of a house may have been let as a lodging or for his use or occupation.

Nothing in this by-law shall extend to any common lodging-house.

PENALTIES.

2. Every person who shall offend against the foregoing by-law shall be liable for every such offence to a penalty of five pounds and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority.

Provided nevertheless that the court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may if they think fit adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

REPEAL OF BY-LAW.

706 3. From and after the date of the confirmation of these by-laws the by-law numbered 26 (twenty-six) in the by-laws relating to waterclosets, earthclosets, privies, ash pits, cesspools, and receptacles for dung and the proper accessories thereof in connection with buildings which were made by the London County Council on the twenty-second day of June in the year One thousand eight hundred and ninety-three and were confirmed by the Local Government Board on the twenty-eighth day of June, in the year One thousand eight hundred and ninety-three, shall be repealed.

The seal of the London County Council was hereunto affixed on the tenth day of November, 1904.

L. S.

G. L. GOMME,
Clerk of the Council.

The foregoing by-laws with respect to waterclosets, earthclosets, privies and receptacles for dung, are hereby allowed by the Local Government Board this third day of January, 1905.

L. S.

S. B. PROVIS,
Secretary.

Acting on behalf of the said Board under the authority of their General Order, dated the twenty-sixth day of May, 1877.

BY-LAWS: REMOVAL OF REFUSE, ETC.

BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 22ND JUNE, 1893, AND 10TH OCTOBER, 1901, UNDER SECTION 16 (2) OF THE PUBLIC HEALTH (LONDON) ACT, 1891, AND 428
ALLOWED BY THE LOCAL GOVERNMENT BOARD, ON 28TH JUNE, 1893, AND 26TH NOVEMBER, 1901.

For prescribing the times for the removal or carriage by road of any fæcal or offensive or obnoxious matter or liquid in or through London, and providing that the carriage or vessel used for the removal or carriage by road or water of any such matter or liquid in or through London shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and as to prevent any nuisance arising therefrom.

1. Every person who shall remove or carry, or cause to be removed or carried, by 711
road or water in or through London any fæcal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through London, shall use or cause to be used therefor a suitable carriage or vessel properly constructed and furnished with a sufficient covering so as to prevent the escape of any matter or liquid therefrom, and so as to prevent any nuisance arising therefrom.

Such person shall not remove or carry, or cause to be removed or carried, such matter or liquid by road in or through London, except during the following periods, viz.—

Between 4 o'clock a.m. and 10 o'clock a.m. in any day during the months of March, April, May, June, July, August, September, and October.

Between 6 o'clock a.m. and 12 o'clock at noon in any day during the months of November, December, January, and February.

This by-law shall not apply to any person removing or carrying manure, consisting only of horse dung with a sufficient proportion of straw to render it inoffensive, and shall not apply to any person removing or carrying in a suitable carriage or vessel as aforesaid manure consisting of horse dung and litter other than straw.

Every person who shall offend against the foregoing by-law shall be liable for every such offence to a penalty of five pounds, and, in the case of a continuing offence, to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority.

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

AS TO THE CLOSING AND FILLING UP OF CESSPOOLS AND PRIVIES.

2. Any person who shall by any works or by any structural alteration of premises 47
render the further use of a cesspool or privy unnecessary, and the owner of any premises on which shall be situated a disused cesspool or privy, or a cesspool or privy which has become unnecessary, shall completely empty such cesspool or privy of all fæcal or offensive matter which it may contain, and shall completely remove so much of the floor, walls, and roof of such privy or cesspool as can safely be removed, and all pipes and drains leading thereto or therefrom, or connected therewith, and any earth or other material contaminated by such fæcal or offensive matter. He shall completely close and fill up the cesspool with good concrete or with suitable dry clean earth, dry clean brick rubbish, or other dry clean material, and where the walls of such cesspool shall not have been completely removed, he shall cover the surface of the space so filled up with earth, rubbish, or material, with a layer of good concrete six inches thick.

3. Every person who shall propose to close or fill up any cesspool or privy shall, before commencing any works for such purpose, give to the sanitary authority for the

district not less than forty-eight hours notice in writing, exclusive of Sunday, Good Friday, Christmas day, or any bank holiday, specifying the hour at which he will commence the closing and filling up of such cesspool or privy, and during the progress of any such work shall afford any officer of the sanitary authority free access to the premises for the purpose of inspecting the same.

AS TO THE REMOVAL AND DISPOSAL OF REFUSE, AND AS TO THE DUTIES OF THE OCCUPIER OF ANY PREMISES IN CONNECTION WITH HOUSE REFUSE SO AS TO FACILITATE THE REMOVAL OF IT BY THE SCAVENGERS OF THE SANITARY AUTHORITIES.

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4. The occupier of any premises who shall remove or cause to be removed any refuse produced upon his premises shall not, in the process of removal, deposit such refuse, or cause or allow such refuse to be deposited upon any footway, pavement, or carriageway.

Provided that this by-law shall not be deemed to prohibit the occupier of any premises from depositing upon the kerbstone or upon the outer edge of the footpath immediately in front of his house, between such hours of the day as the sanitary authority shall fix and notify by public announcement in their district, a proper receptacle containing house refuse, other than night soil or filth, to be removed by the sanitary authority in accordance with any by-law in that behalf.

5. Every person who shall convey any house, trade or street refuse across or along any footway, pavement or carriageway shall use a suitable receptacle, cart, carriage, or other means of conveyance properly constructed so as to prevent the escape of the contents thereof, and in the case of offensive refuse so covered as to prevent any nuisance therefrom, and shall adopt such other precautions as may be necessary to prevent any such refuse from being slopped or spilled, or from falling in the process of removal upon such footway, pavement or carriageway.

If in the process of such removal any such refuse be slopped or spilled, or fall upon such footway, pavement or carriageway, such person shall forthwith remove such refuse from the place whereon the same may have been slopped or spilled, or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

6. Where a sanitary authority arrange for the daily removal of house refuse in their district or in any part thereof, the occupier of any premises in such district or part thereof on which any house refuse may from time to time accumulate, shall, at such hour of the day as the sanitary authority shall fix and notify by public announcement in their district, deposit on the kerbstone or on the outer edge of the footpath immediately in front of the house or in a conveniently accessible position on the premises, as the sanitary authority may prescribe by written notice served upon the occupier, a movable receptacle, in which shall be placed, for the purposes of removal by or on behalf of the sanitary authority, the house refuse which has accumulated on such premises since the preceding collection by such authority.

The sanitary authority shall collect such refuse, or cause the same to be collected, between such hours of the day as they have fixed and notified by public announcement in their district.

7. The sanitary authority shall cause to be removed not less frequently than once in every week the house refuse produced on all premises within their district.

8. Where for the purposes of subsequent removal, any cargo, load, or collection of offensive refuse has been temporarily brought to or deposited in any place within a sanitary district, the owner (whether a sanitary authority or any other person) or consignee of such cargo, load, or collection of refuse, or any person who may have undertaken to deliver the same, or who is in charge of the same, shall not without a reasonable excuse permit or allow or cause such refuse to remain in such place for a longer period than twenty-four hours.

Provided (a) that this by-law shall not apply in cases where the place of temporary deposit is distant at least one hundred yards from any street, and is distant at least three hundred yards from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship or of public resort or public

assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, or from any public park or other open space dedicated or used for the purposes of recreation, or from any reservoir or stream used for the purposes of domestic water supply; (b) that this by-law shall not prohibit the deposit, within the prescribed distances, of road slop unmixed with stable manure for any period not exceeding one week, which may be necessary for the separation of water therefrom.

9. Where a sanitary authority or some person on their behalf shall remove any offensive refuse from any street or premises within their district, such sanitary authority or such person shall properly destroy by fire or otherwise dispose of such refuse in such manner as to prevent nuisance.

Provided always that this by-law shall not be deemed to require or permit any sanitary authority or person to dispose of or destroy by fire any night-soil, swine's-dung, or cow-dung.

10. A sanitary authority or any person on their behalf who shall remove any offensive refuse from any street or premises within their district shall not deposit such refuse, otherwise than in the course of removal, at a less distance than three hundred yards from any two or more buildings used wholly or partly for human habitation or from any building used as a school, or as a place of public resort or public assembly, or in which any person may be employed in any manufacture, trade or business, or from any public park or other open space dedicated or used for the purpose of recreation, or from any reservoir or stream used for the purposes of domestic water supply.

Provided always that this by-law shall not be deemed to prohibit such deposit of such refuse for a period of twenty-four hours, when such refuse is deposited for the purpose of being destroyed by fire, in accordance with any by-law in that behalf.

11. For the purposes of the foregoing by-laws the expression "offensive refuse" means any refuse, whether "house refuse," "trade refuse," or "street refuse," in such a condition as to be or to be liable to become offensive.

PENALTIES.

12. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of five pounds, and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority. Provided nevertheless that the court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence, may, if the court think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

The seal of the London County Council was hereunto affixed on the 22nd day of June, 1893.

L. S.

H. DE LA HOOKE,
Clerk of the Council.

Allowed by the Local Government Board this twenty-eighth day of June, 1893.

L. S.

HENRY H. FOWLER,
President.

HUGH OWEN,
Secretary.

REPEAL OF BY-LAW.

From and after the date of the confirmation of these by-laws, the by-law numbered 1 (one) in the series of by-laws which was made by the London County Council under section 16 (2) of the Public Health (London) Act, 1891, on the twenty-second day of June in the year one thousand eight hundred and ninety-three, and was confirmed by

the Local Government Board on the 28th day of June in the year one thousand eight hundred and ninety-three, shall be repealed.

The seal of the London County Council was hereunto affixed on the 10th day of October, 1901.



G. L. GOMME,
Clerk of the Council.

Allowed by the Local Government Board this twenty-sixth day of November, 1901.



S. B. PROVIS,
Secretary.

Acting on behalf of the said Board under the authority of their General Order, dated the twenty-sixth day of May, 1877.

BY-LAWS: SLAUGHTERHOUSES.

51 BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 28TH JULY, 1891, IN PURSUANCE OF
451 THE SLAUGHTERHOUSES, ETC. (METROPOLIS) ACT, 1874, AND OF THE LOCAL GOVERNMENT ACT, 1888, AND CONFIRMED BY THE LOCAL GOVERNMENT BOARD ON 27TH OCTOBER, 1891.

THE CONDUCT OF THE BUSINESS OF A SLAUGHTERER OF CATTLE.

ANIMALS FOR SLAUGHTER.

1. An occupier of a slaughterhouse—

(a.) Shall cause every animal intended for slaughter to be kept upon the premises only in a pound, pen, or lair.

(b.) Shall not keep in a slaughterhouse, or in any pound, pen, or lair any animal not intended for slaughter for human food, or any dog or other animal the flesh of which is not intended for use as human food, or which would be unfit for use as human food, or any fowl, pig or other animal intended to be used for human food (except any animal about to be slaughtered).

OVERCROWDING.

(c.) Shall not keep in any pound, pen, or lair a greater number of animals than is herein provided, that is to say—

1. In the case of cattle, one animal to every 24 square feet of floor space therein.

2. In the case of calves, one animal to every 8 square feet of floor space therein.

3. In the case of sheep, lambs and pigs, one animal to every 6 square feet of floor space therein.

LIMIT OF TIME.

(d.) Shall not keep in any pound, pen, or lair any animal for a longer period than may be necessary for the purpose of preparing such animal for slaughter.

WATER AND FOOD.

(e.) Shall provide every animal in a pound, pen or lair with a sufficient quantity of wholesome water and food.

SLAUGHTERING.

2. An occupier of a slaughterhouse—

PLACE OF SLAUGHTER.

(a.) Shall not slaughter or permit to be slaughtered any animal in any pound, pen or lair, or in any part of the premises other than the slaughterhouse.

PREVENTION OF CRUELTY.

(b.) Shall in slaughtering any animal use such instruments and appliances, and adopt such method of slaughtering, and otherwise take such precautions, as may be requisite to prevent unnecessary suffering to the animal.

NO SLAUGHTERING IN PUBLIC VIEW, ETC.

(c.) Shall not slaughter or permit to be slaughtered any animal within public view, or within the view of any other animal.

RECEPTACLES.

(d.) Shall provide sufficient vessels or receptacles, properly constructed of galvanised iron or other non-absorbent material, and furnished with close fitting covers for the purpose of receiving and conveying from such slaughterhouse all blood, manure, garbage, filth, or other refuse products of the slaughtering of any cattle.

REFUSE RESIDUES.

(e.) Shall, as far as is reasonably practicable, cause all blood from any animal slaughtered to be caught and placed in such vessels or receptacles, and upon the completion of any slaughtering, cause all manure, garbage, filth, or any refuse residues from the animals slaughtered, to be forthwith placed in such vessels or receptacles, and shall not cause or suffer any such substance to enter any drain, or sewer, or any inlet to any drain or sewer.

CLOSING VESSELS.

(f.) Shall cause every vessel or receptacle to be kept closed while containing any of the aforesaid substances.

REMOVAL OF BLOOD AND REFUSE.

(g.) Shall cause all such substances to be removed and conveyed from the premises in such closed receptacles.

FAT.

(h.) Shall cause the fat of any animal slaughtered to be kept freely exposed to the air while upon the premises.

REMOVAL OF RESIDUES, ETC., WITHIN 24 HOURS.

(i.) Shall cause all blood, manure, garbage, filth, or any refuse residues from animals slaughtered, and all hides, skins, fat, tripe, and offal therefrom, to be removed from the premises within 24 hours of the completion of slaughtering, in such manner and by such means as will not cause nuisance either at the premises or in the public streets.

CLEANSING, ETC.

3. An occupier of a slaughterhouse—

WASHING.

(a.) Shall cause every part of the floor of such slaughterhouse, and every other internal part of such slaughterhouse, and also the fittings thereof, upon

which any blood, or refuse, or filth may have been spilled, splashed, or deposited, to be thoroughly washed and cleansed within three hours after the completion of any slaughtering.

REPAIR.

(b.) Shall cause every part of such floor and all internal walls and fittings within 6 feet of such floor to be at all times kept in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth.

WALLS.

(c.) Shall not permit the surfaces of the walls and fittings within 6 feet of the floor to be covered with cementwash, limewash, or other like substance.

CLEANSING UTENSILS.

(d.) Shall cause all utensils, receptacles, and appliances used in such slaughterhouse to be kept, when not in actual use, in a thoroughly clean condition.

LIMEWASHING.

(e.) Shall cause all internal walls and fittings of such slaughterhouse not within six feet of the ground, and the internal walls and fittings of any pound, pen, or lair to be thoroughly limewashed with hot limewash at least four times in every year; that is to say, between the 1st and the 10th days of the months of March, June, September, and December respectively.

CLEANSING POUNDS, ETC.

(f.) Shall cause all dung and offensive litter to be swept up and removed from every pound, pen or lair at least once a day, and such place to be thoroughly cleansed as often as may be necessary to keep the same in a clean condition.

VENTILATION, DRAINAGE, ETC.

4. An occupier of a slaughterhouse—

VENTILATION.

(a.) Shall cause the means of ventilation provided thereto, and to any pound, pen or lair to be kept in proper order and efficient action, so that at all times such slaughterhouse, pound, pen or lair shall be effectually ventilated by direct communication with the external air.

DRAINAGE.

(b.) Shall cause the means of drainage provided in or upon the premises to be kept at all times in proper order.

WATER SUPPLY.

(c.) Shall cause the means of water supply provided upon the premises to be kept in proper order, and shall at all times provide a sufficient supply of water for the proper cleansing of the slaughterhouse, pounds, pens or lairs, and of the vessels and receptacles therein.

USE OF SLAUGHTERHOUSE.

LIMITED TO SLAUGHTER OF HUMAN FOOD.

5. An occupier of a slaughterhouse shall not allow the slaughterhouse to be used for any other purpose than the slaughtering and dressing of animals the flesh of which is fit for, and is intended to be sold as human food.

GENERAL.

6. An occupier of a slaughterhouse shall at all times employ such means and adopt such precautions as may be necessary for preventing nuisance arising upon the premises.

INSPECTION.

7. An occupier of a slaughterhouse shall at all reasonable times afford free access to every part of the premises to any inspector or any other person authorized by the London County Council in writing to inspect slaughterhouses, and he shall enable such inspector or other person to examine the premises without obstruction or unnecessary delay.

PENALTIES.

8. Every person breaking any of the foregoing by-laws shall be liable for every offence to a penalty of five pounds; and in the case of a continuing offence to a penalty of one pound for every day during which the offence may be continued after conviction for the first offence.

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

SUSPENSION, ETC.

9. In pursuance of the provision in that behalf contained in section 4 of the Slaughterhouses, etc., Metropolis Act, 1874, power is hereby given to every court of summary jurisdiction, by summary order, to suspend or deprive any person altogether of the right of carrying on the business of a slaughterer of cattle, as a penalty for breaking any of the foregoing by-laws.

THE STRUCTURE OF THE PREMISES.

PREMISES.

10. Every occupier of a slaughterhouse—

SLAUGHTERHOUSE.

(a.) Shall cause such slaughterhouse to have the walls thereof substantially constructed of brick, stone, iron, or concrete to a height of 6 feet from the ground; and to cover such slaughterhouse with a properly constructed roof.

POUNDS, ETC.

(b.) Shall cause a sufficient number of pounds, pens, or lairs of adequate size, and of suitable construction, to be provided on the premises; and he shall cause such pounds, pens, or lairs to be separated from such slaughterhouse by means of close partitions to a height of at least 5 feet, and cause all doors in such partitions to be closely boarded.

ENTRANCE.

(c.) Shall cause the entrance or approach to such slaughterhouse to be throughout of a width of at least 3 feet 6 inches, and such approach to be neither up nor down steps, nor over slopes having a steeper gradient than 1 foot in 4 feet; provided that where sheep, lambs, and pigs only are killed, he shall cause the width of the approach to be at least 2 feet 9 inches throughout.

SANITARY PROVISIONS.

11. Every occupier of a slaughterhouse shall cause such slaughterhouse and every pound, pen, or lair attached thereto—

LIGHT AND VENTILATION.

(a.) To be well and sufficiently lighted and ventilated by louvred openings in the walls and roofs, or by other adequate openings, windows, or lights.

PAVING AND DRAINAGE.

(b.) To be well paved upon a duly prepared foundation with a jointless flooring of granite cement concrete, or other suitable hard and impervious material having a proper slope towards a gully-hole; and he shall cause such gully-hole to communicate by an adequate drain of glazed stoneware pipes with the public sewer, and be trapped by an appropriate fixed trap, and be covered with a wrought-iron fixed grating, the bars of which shall be not more than $\frac{3}{8}$ inch apart.

WATER FITTINGS.

(c.) To be provided with means for an adequate supply of water; and where there is not a constant water supply, with a slate, metal, or metallic-lined tank, the bottom of which shall be not less than 6 feet from the floor; and he shall cause such tank to be properly covered, and an adequate water trough to be provided in every pound, pen or lair.

WALL COVERING.

12. Every occupier of a slaughterhouse shall cause the inner surface of every wall, door, and woodwork of such slaughterhouse to be covered with hard, smooth and impervious material to a height of at least 6 feet from the floor.

LOFTS, OPENINGS, ETC.—WATER-CLOSETS, ETC.

13. An occupier of a slaughterhouse shall not use or permit to be used as a dwelling any room or loft thereover, nor shall he permit any water-closet, privy, urinal or stable to be within any slaughterhouse, pound, pen or lair, nor any water-closet, privy, urinal or stable to be in direct communication with, or ventilate into, any slaughterhouse.

PENALTIES.

14. Every person who shall not comply with any of the foregoing by-laws relating to the structure of the premises shall be guilty of an offence, and shall be liable for every such offence to a penalty of five pounds, and, in the case of a continuing offence, to a penalty of one pound for every day during which the offence may be continued after conviction for the first offence. Provided always that the foregoing by-laws for regulating the structure of the premises shall not, until after the expiration of six months from the date of the confirmation of the by-laws, be deemed to apply to any premises where at such date the business of a slaughterer of cattle may be carried on.

NEW SLAUGHTERHOUSES.

FORM OF APPLICATION.

15. Every person applying for sanction to establish anew the business of a slaughterer of cattle—

(a.) Shall furnish particulars as to the situation of the premises, and as to the arrangement and construction of the buildings in which such business is proposed to be established.

PLANS AND SECTIONS.

(b.) Shall also furnish a plan of such premises and sections of the buildings, drawn to a scale of one-eighth of an inch to one foot, showing the buildings proposed to be used as slaughterhouse, pounds, pens or lairs, their construction, the provision for drainage, and the means proposed for lighting and ventilation.

KEY PLAN.

(c.) Shall also furnish a key plan of the locality, showing the site, and all buildings, dwellings, streets, and places within 250 yards of such site, and such key plan shall be drawn to a scale of five feet to one mile.

REPEAL OF FORMER BY-LAWS.

In further pursuance of the Acts aforesaid, the said London County Council hereby repeal the by-laws regulating the conduct of the business of a slaughterer of cattle, the structure of the premises on which such business is being carried on, and the mode in which application is to be made for sanction to establish such business anew, made on the 7th day of May, 1875, by the Metropolitan Board of Works, and confirmed by the Local Government Board on the 27th day of May, 1875.

Dated the thirty-first day of July, one thousand eight hundred and ninety-one.

Sealed by order,

H. DE LA HOOKE,
Clerk of the Council.

L. S.

Confirmed by the Local Government Board this 27th day of October, 1891.

L. S.

S. B. PROVIS,
Assistant Secretary.

Acting on behalf of the said Board under the authority of
their general order dated the 26th day of May, 1877.

REGULATIONS: DAIRIES, COWSHEDS, MILK-SHOPS, ETC.

REGULATIONS AS TO DAIRIES, COWSHEDS, MILK-SHOPS, ETC., AND AS TO PRECAUTIONS AGAINST
THE INFECTION AND CONTAMINATION OF MILK IN THE METROPOLIS.

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In pursuance of section 13 of the Dairies, Cowsheds, and Milk-shops Order of 1885, the Metropolitan Board of Works being the Local Authority for the Metropolis (except the City of London and the Liberties thereof) hereby make the following Regulations—

(a.) For the inspection of cattle in dairies.

(b.) For prescribing and regulating the lighting and ventilation, cleansing, drainage, and water supply of dairies and cowsheds in the occupation of persons following the trade of cowkeepers or dairymen.

(c.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(d.) For prescribing precautions to be taken by purveyors of milk, and persons selling milk by retail, against infection or contamination.

1. **Date.** These Regulations shall commence and take effect from and immediately after the third day of August, 1885.

REGULATIONS FOR THE INSPECTION OF CATTLE.

2. Inspection of Cattle. Every inspector appointed by the Board under this Act is hereby authorized to inspect all cattle upon the premises of all persons registered by the Board under the Act.

REGULATIONS FOR PRESCRIBING AND REGULATING THE LIGHTING, VENTILATION, CLEANSING, DRAINAGE AND WATER SUPPLY OF DAIRIES AND COWSHEDS IN THE OCCUPATION OF PERSONS FOLLOWING THE TRADE OF COWKEEPERS OR DAIRYMEN.

COWSHEDS.

3. Lighting. Every cowshed shall be well and sufficiently lighted by openings in the sides or roof, or by windows therein.

4. Ventilation. Every cowshed shall be thoroughly ventilated by lantern-louvred ventilators in the roof thereof, or by louvred ventilators in the walls, or by openings in the sides or roofs.

5. Air-space. In every cowshed there shall be sufficient air-space for the health and good condition of the cattle therein, *i.e.*, there shall be for each animal kept in a separate stall a superficial space of at least 8 feet by 4 feet, and for two animals kept in one stall a superficial space of 8 feet by 7 feet; and there shall be an air-space of at least 600 cubic feet in respect of every animal kept in a cowshed, where, taking into consideration the position and construction of the shed, there are perfectly satisfactory means of ventilation; but in other cases there shall be an air-space of 800 cubic feet in respect of every animal kept, and in any case the height of the shed in excess of 16 feet shall not be taken into account in estimating the air-space.

6. Drainage. Every cowshed shall be well paved with Stourbridge or other impervious brick, or other impervious material, set with cement properly bedded on concrete, with a proper slope towards a gully-hole, which shall, where practicable, be outside the shed; and such gully-hole shall communicate by an adequate drain of glazed stoneware pipes with the public sewer, and be trapped by an appropriate fixed trap, and be covered with a grating, the bars of which shall be not more than $\frac{3}{8}$ inch apart, excepting that not exceeding three feet of the foremost part of the stalls may be paved with chalk or other similar material.

7. Water Supply. Every cowshed shall be provided with an adequate supply of water, and where there is not a constant water supply, with a slate, metal, or metallic-lined tank, properly covered and provided with an overflow or warning pipe, and with piping for conveying the water to the cowshed; such tank to be so placed that the bottom thereof shall be not less than 6 feet above the floor level. Every such tank shall be of a capacity equal to twelve gallons of water for each cow lawfully kept; it shall have no communication with any water-closet or drain by means of a waste-pipe; and it shall be supplied with good and wholesome water, which, if practicable, shall be procured by the occupier from a public water company, and such tank shall be cleansed as often as is necessary for keeping the same in a clean condition.

8. Troughs. Each stall or standing-place for cows in every cowshed shall be provided with a water-trough or receptacle, constructed of or lined with hard, smooth and impervious material, and each such trough or receptacle shall be supplied with water by means of a pipe communicating with a water tank, or, in the case of a constant water supply, with the water company's pipes, and each such trough or receptacle shall also be provided with a waste-pipe or waste-hole in the lowest part thereof.

9. Walls, etc. The inner walls, doors, and woodwork (except the partitions between the cows) of every cowshed shall be covered with hard, smooth and impervious material to a height of at least 5 feet from the floor of such cowshed, and such hard, smooth and impervious material shall not be covered with cement-wash, lime-wash, or other substance.

10. Grain and Dung Pits. Every cowshed shall be provided with properly constructed places or receptacles for storing any brewers' grains intended for the animals therein, and also places or receptacles for receiving the dung and litter from the cowsheds, and such places or receptacles shall be constructed of or lined with impervious

material and be properly drained; but no such places or receptacles shall be within, or communicate directly with, any cowshed.

11. **Water-closets, etc.** No water-closet, privy, cesspool, or urinal shall be within, communicate directly with, or ventilate into a cowshed.

12. **Keeping Dung, Grains, etc.** No dung, grains, or other substance from which effluvium is liable to be given off, shall be kept in any cowshed; nor shall any dung, grains, or other substance as aforesaid be so kept that any effluvium therefrom can enter any cowshed.

13. **Limewashing.** The upper parts of the inner surface of the walls of every cowshed shall be thoroughly cleansed and limewashed in the months of March and September, and at other times within 7 days of the Board giving notice in writing that such cleansing and limewashing are necessary.

14. **Cleansing.** The floor of every cowshed, and all troughs or utensils used for supplying the cows with food and water, shall be thoroughly cleansed with water at least once every day; and the portions of the walls, partitions, doors, and other parts of the cowshed within 5 feet of the floor shall be thoroughly cleansed as often as may be necessary for keeping the same in a clean condition.

15. **Dung, etc.** All dung and offensive litter shall be carefully swept up and removed from every cowshed at least twice every day, and shall be removed from the premises as frequently as may be necessary to prevent nuisance.

16. **Utensils.** All utensils and vessels used by a cowkeeper for the reception, storage, or delivery of milk, shall be thoroughly cleansed with steam or scalding water as frequently as may be necessary for keeping such vessels and utensils perfectly clean and sweet, and only clean water shall be used for this purpose.

17. **General.** Every cowkeeper shall at all times employ such means, and adopt such precautions, as may be necessary for keeping any cowshed in his occupation, and the cows therein, in a clean and wholesome condition.

DAIRIES.

18. **Lighting and Ventilation.** Every dairy shall be sufficiently lighted, and shall be thoroughly ventilated by louvred ventilators, ventilating shafts, or openings in the walls or roof.

19. **Floor and Walls.** Every dairy shall be well paved with flagstones, concrete, or other suitable material, properly set in cement, and the inner walls thereof shall be covered with hard, smooth, and impervious material to a height of at least six feet from the floor of such dairy, and such hard, smooth and impervious material shall not be covered with cement-wash, lime-wash, or other substance.

20. **Drainage.** The floor of every dairy shall fall or slope towards an opening in the walls thereof, leading to a properly trapped gully-hole outside such dairy; and no inlet to a drain shall be within any dairy.

21. **Water Supply.** Every dairy shall be provided with an adequate supply of water, and, where there is not a constant supply, with a slate, metal, or metallic-lined tank, properly covered, and provided with an overflow or warning pipe, and with piping for conveying the water to the dairy. The tank shall have no communication with any water-closet or drain by means of a waste pipe, and shall be supplied with good and wholesome water, which, if practicable, shall be procured by the occupier from a public water company, and such tank shall be cleansed as often as may be necessary for keeping the same in a clean condition.

22. **Cleansing.** The floor of every dairy, and the portions of the walls and other parts of the dairy within 6 feet of the floor thereof, as well as all fixtures and tables therein, shall be cleansed with water as frequently as may be necessary for keeping such dairy, fixtures, and tables in a thoroughly clean and wholesome condition, and the ceilings and the upper parts of the inner surface of the walls shall be thoroughly cleansed and limewashed as frequently as may be necessary for keeping the same in a clean condition.

23. **Utensils.** All utensils and vessels used by a dairyman for the reception, storage, or delivery of milk shall be thoroughly cleansed with steam or scalding water

as frequently as may be necessary for keeping such utensils and vessels perfectly clean and sweet, and only clean water shall be used for the purpose.

24. General. Every dairyman shall, at all times, employ such means and adopt such precautions as may be necessary for keeping any dairy in his occupation, and the utensils and vessels used by him for containing milk, in a clean and wholesome condition, so as to preserve the purity of such milk.

REGULATIONS FOR SECURING THE CLEANLINESS OF MILK-STORES, MILK-SHOPS, AND MILK-VESSELS USED FOR CONTAINING MILK FOR SALE BY PERSONS FOLLOWING THE TRADE OF COWKEEPERS OR DAIRYMEN.

25. Cleansing. Every milk-store or milk-shop, as well as all fixtures and tables therein, used in connection with the keeping or sale of milk, shall at all times be kept in a cleanly condition.

26. Utensils. All utensils and vessels used for the reception, storage, or delivery of milk shall be thoroughly cleansed with steam or scalding water as frequently as may be necessary for keeping such utensils and vessels perfectly clean and sweet, and only clean water shall be used for the purpose.

27. General. Every person following the trade of cowkeeper or dairyman shall, at all times, employ such means and adopt such precautions, as may be necessary for keeping the utensils and vessels used by him for containing milk in a clean and wholesome condition, so as to preserve the purity of such milk.

REGULATIONS PRESCRIBING PRECAUTIONS TO BE TAKEN BY PURVEYORS OF MILK AND PERSONS SELLING MILK BY RETAIL AGAINST INFECTION OR CONTAMINATION.

28. Notice of Outbreak of Disease. Every purveyor of milk, or person selling milk by retail, shall immediately on any outbreak of infectious or contagious disease within the building or upon the premises in which he keeps milk, or amongst the persons employed in his business, give notice of such outbreak to the Board at their office in Spring Gardens.

29. Milk in Infected Building. Every purveyor of milk, or person selling milk by retail, shall, immediately on such outbreak coming to his knowledge, remove all milk for sale, and all utensils for containing milk for sale from such building; and shall cease to keep milk for sale or to sell milk in such building until the same has been disinfected and declared by the medical officer of health for the district to be free from infection.

30. Offensive Effluvia. Every purveyor of milk, or person selling milk by retail, shall not keep milk for sale in any place where it would be liable to become infected or contaminated by gases or effluvia arising from any sewers, drains, gullies, cesspools, or closets, or by any offensive effluvia from putrid or offensive substances, or by impure air, or by any offensive or deleterious gases or substances.

31. Receptacles. Every purveyor of milk, or person selling milk by retail, shall only keep milk for sale in clean receptacles; and all utensils used in connection with the keeping or sale of such milk shall be at all times kept clean.

32. General. Every purveyor of milk, or person selling milk by retail, shall at all times employ such means, and adopt such precautions, as may be necessary for preserving the purity of milk, and for protecting it against infection or contamination.

REVOCATION OF FORMER REGULATIONS.

33. Revocation of Former Regulations. The Regulations made by the Board in pursuance of the Dairies, Cowsheds, and Milkshops Order of July, 1879, are hereby revoked.

By order,
J. E. WAKEFIELD,
Clerk of the Board.

Dated Third day of July, 1885, at the Office of the Metropolitan Board of Works, Spring Gardens, Charing Cross.

AUTHOR'S NOTE.—Although the Local Government Board have power to make Orders with regard to dairies under section 28 of the Public Health (London) Act, 1891, they have not yet done so. It will be noted that the County Council regulations with regard to dairies, etc., are made under the Dairies, Cowsheds, and Milk-shops Order of 1885, which is of general application and applies in the City of London. The following are extracts from such Order:—

REGISTRATION OF DAIRYMEN AND OTHERS.

6.—(1.) It shall not be lawful for any person to carry on in the district of any local authority the trade of cow-keeper, dairyman, or purveyor of milk unless he is registered as such therein in accordance with this article. 57

(2.) Every local authority shall keep a register of persons from time to time carrying on in their district the trade of cow-keepers, dairymen, or purveyors of milk, and shall from time to time revise and correct the register.

(3.) The local authority shall register every such person, but the fact of such registration shall not be deemed to authorize such person to occupy as a dairy or cowshed any particular building or in any way preclude any proceedings being taken against such person for non-compliance with or infringement of any of the provisions of this Order or any regulation made thereunder.

(4.) The local authority shall from time to time give public notice by advertisement in a newspaper circulating in their district, and, if they think fit, by placards, handbills, or otherwise, of registration being required, and of the mode of registration.

(5.) A person who carries on the trade of cow-keeper or dairyman for the purpose only of making and selling butter or cheese or both, and who does not carry on the trade of purveyor of milk, shall not, for the purposes of registration, be deemed to be a person carrying on the trade of cow-keeper or dairyman, and need not be registered.

(6.) A person who sells milk of his own cows in small quantities to his workmen or neighbours, for their accommodation, shall not, for the purposes of registration, be deemed, by reason only of such selling, to be a person carrying on the trade of cow-keeper, dairyman, or purveyor of milk, and need not, by reason thereof, be registered.

CONSTRUCTION AND WATER SUPPLY OF NEW DAIRIES AND COW-SHEDS.

7.—(1.) It shall not be lawful for any person following the trade of cow-keeper or dairyman to begin to occupy as a dairy or cowshed any building not so occupied at the commencement of this Order, unless and until he first makes provision, to the reasonable satisfaction of the local authority, for the lighting, and the ventilation including air-space, and the cleansing, drainage, and water supply, of the same, while occupied as a dairy or cowshed.

(2.) It shall not be lawful for any such person to begin so to occupy any such building without first giving one month's notice in writing to the local authority of his intention so to do.

SANITARY STATE OF ALL DAIRIES AND COW-SHEDS.

8. It shall not be lawful for any person following the trade of cow-keeper or dairyman to occupy as a dairy or cowshed any building, whether so occupied at the commencement of this Order or not, if and as long as the lighting, and the ventilation including air-space, and the cleansing, drainage, and water supply, thereof are not such as are necessary or proper—

- (a.) for the health and good condition of the cattle therein; and
- (b.) for the cleanliness of milk vessels used therein for containing milk for sale; and
- (c.) for the protection of the milk therein against infection or contamination.

REGULATIONS OF LOCAL AUTHORITY.

13. A local authority may from time to time make regulations for the following purposes, or any of them:—

- (a.) For the inspection of cattle in dairies.
- (b.) For prescribing and regulating the lighting, ventilation, cleansing, draining, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cow-keepers or dairymen.
- (c.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.
- (d.) For prescribing precautions to be taken by purveyors of milk and persons selling milk by retail against infection or contamination.

BY-LAWS: BUILDING MATERIALS, Etc.

525 BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 30TH JUNE AND 13TH OCTOBER, 1891, UNDER SECTION 16 OF THE METROPOLIS MANAGEMENT AND BUILDINGS ACTS AMENDMENT ACT, 1878, AND APPROVED BY ONE OF H.M. PRINCIPAL SECRETARIES OF STATE ON 19TH OCTOBER, 1891.

1. REPEAL OF PREVIOUS BY-LAWS.

The heretofore subsisting by-laws made by the Metropolitan Board of Works on 3rd October, 1879, and 22nd January, 1886, and confirmed by the Secretary of State for the Home Department on 6th October, 1879, and 23rd June, 1886, are hereby repealed, and in lieu thereof the following are made—

2. FOUNDATIONS AND SITES OF BUILDINGS.

107 No house, building, or other erection shall be erected upon any site or portion of any site which shall have been filled up or covered with any material impregnated or mixed with any faecal, animal, or vegetable matter, or which shall have been filled up or covered with dust, or slop, or other refuse, or in or upon which any such matter or refuse shall have been deposited, unless and until such matter or refuse shall have been properly removed, by excavation or otherwise, from such site. Any holes caused by such excavation must, if not used for a basement or cellar, be filled in with hard brick or dry rubbish, or concrete or other suitable material to be approved by the district surveyor.

107 The site of every house or building shall be covered with a layer of good concrete, at least six inches thick and smoothed on the upper surface.

The foundations of the walls of every house or building shall be formed of a bed of good concrete, not less than nine inches thick, and projecting at least four inches on each side of the lowest course of footings of such walls. If the site be upon a natural bed of gravel, concrete may be omitted from the foundations of the walls, with the approval of the district surveyor.

The concrete must be composed of clean gravel, broken hard brick, properly burnt ballast, or other hard material to be approved by the district surveyor, well mixed with freshly burned lime or cement in the proportions of one of lime to six, and one of cement to eight of the other material.

3. DESCRIPTION AND QUALITY OF THE SUBSTANCES OF WALLS.

107 The external walls of every house, building, or other erection shall, except in the case of concrete buildings, be constructed of good, hard, sound, well-burnt bricks or of stone.

108 Similar bricks shall be used in the portions of party and cross walls below the surface or level of the ground and above the roof, including the chimney stacks. Cutters or malms may be used in arches over recesses and openings in, or for facings of external walls.

Stone used for the construction of walls must be free from vents, cracks and sand-holes, and be laid on its natural bed.

All brick and stone work shall be put together with good mortar or good cement. The mortar to be used must be composed of freshly-burned lime and clean sharp sand or grit, without earthy matter, in the proportions of one of lime to three of sand or grit. 108

The cement to be used must be Portland cement, or other cement of equal quality, to be approved by the district surveyor, mixed with clean sharp sand or grit, in the proportions of one of cement to four of sand or grit.

Burnt ballast or broken brick may be substituted for sand or grit, provided such material be properly mixed with lime in a mortar mill.

Every wall of a house or building shall have a damp course composed of materials impervious to moisture, to be approved by the district surveyor, extending throughout its whole thickness at the level of not less than 6 inches below the level of the lowest floor. Every external wall or inclosing wall of habitable rooms or their appurtenances or cellars which abuts against the earth shall be protected by materials impervious to moisture to the satisfaction of the district surveyor. 108

The top of every party-wall and parapet-wall shall be finished with one course of hard, well-burnt bricks set on edge, in cement, or by a coping of any other waterproof and fire-resisting material properly secured.

Whenever concrete is used in the construction of walls, the concrete shall be composed of Portland cement and of clean Thames or pit ballast, or gravel, or broken brick or stone, or furnace clinkers, with clean sand in the following proportions, viz., one part of Portland cement, two parts of clean sand, and three parts of the coarse material, which is to be broken up sufficiently small to pass through a two-inch ring. 108

The proportions of the materials to be strictly observed, and to be ascertained by careful admeasurement; and the mixing either by machine or hand to be most carefully done with clean water, and if mixed by hand, the material to be turned over dry before the water is added.

The walls to be carried up regularly and in parallel frames of equal height, and the surface of the concrete filled in the frame to be left rough and uneven to form a key for the next frame of concrete.

The thicknesses of concrete walls to be equal at the least to the thicknesses for walls to be constructed of brickwork prescribed by the 12th section of the Metropolitan Building Act, 1855, and the first schedule referred to therein. {524
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Such portions of concrete party-walls and chimney-stacks as are carried above the roofs of buildings to be rendered externally with Portland cement.

4. DUTIES OF DISTRICT SURVEYORS.

It shall be the duty of each district surveyor, on receiving notice of the commencement of any house, building or other erection, or of any alteration or addition, or on his becoming aware that any house, building, or other erection, or any alteration or addition is being proceeded with, to see that the provisions of the foregoing by-laws are duly observed (except in cases where the London County Council may have dispensed with the observance thereof), and to see that the terms and conditions upon which any dispensation may have been granted are complied with.

5. FEES TO BE PAID TO DISTRICT SURVEYORS.

The district surveyor shall in respect of the erection of any house or other building be entitled to receive the sum of five shillings, the same to be taken and deemed a fee due to such district surveyor in respect of the duties imposed upon him by the Metropolis Management and Building Acts Amendment Act, 1878, and these by-laws; such fees to be payable in the manner and at the time prescribed by section 51 of the Metropolitan Building Act, 1855. The district surveyor shall also, in every case where in respect of any breach of these by-laws, or of the above Act of Parliament, an application shall have been made by him to a justice, and an order made thereon, be in like manner entitled to receive the sum of ten shillings in addition to the aforementioned fee of five shillings. 109

There shall be paid to the district surveyor, in respect of his supervision of any building constructed wholly or in part with concrete walls, a fee one-half more in

amount than the fee to which he would be entitled under the Metropolitan Building Act, 1855, for a new building or addition. No additional fee is, however, to be charged in respect of any alteration to a concrete building.

6. DEPOSIT OF PLANS AND SECTIONS.

- 135 On notice being given to a district surveyor of the intended erection, re-erection, alteration of, or addition to a public building, or a building to which section 56 of the Metropolitan Building Act, 1855, applies, it shall be the duty of the person giving such notice to deposit plans and sections of such erection, re-erection, alteration or addition with the district surveyor. Such plans and sections shall be of sufficient detail to show the construction.

On notice being given to the district surveyor of the intended erection or alteration of or addition to any house, building, or other erection, other than a public building, or one to which section 56 of the Metropolitan Building Act, 1855, applies, the district surveyor may, if he think fit so to do, by notice in writing, require the person giving such notice to produce a plan or plans and sections of any such house, building or other erection, or of the intended alterations or additions thereto, for his inspection.

7. PENALTIES AND DISPENSATION.

- 109 In case of any breach of any of the provisions contained in these by-laws, the offender shall be liable for each breach to a penalty not exceeding five pounds, and in each case of a continuing offence, to a further penalty not exceeding forty shillings for each day after notice of such offence from the London County Council or the district surveyor.

In any case in which the Council think it expedient, they may dispense with the observance of any of the foregoing by-laws, or any part thereof, upon such terms and conditions as they may think proper, and in case of the non-observance of any terms and conditions upon which the Council may have dispensed with the observance of any of the foregoing by-laws, then such proceedings may be taken, and such liabilities shall be incurred, as if the same had been enacted by such by-laws.

The seal of the London County Council was hereto affixed on the 13th day of October, 1891.



H. DE LA HOOKE,
Clerk of the Council.

I hereby confirm the foregoing by-laws.

HENRY MATTHEWS,
One of Her Majesty's Principal Secretaries
of State.

19th October, 1891.

BY-LAWS: PLASTERING, ETC.

- 525 BY-LAWS MADE BY THE LONDON COUNTY COUNCIL ON 13TH OCTOBER 1891, UNDER SECTION 31 OF THE LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1890, AND APPROVED BY ONE OF H.M. PRINCIPAL SECRETARIES OF STATE ON 19TH OCTOBER, 1891.

1. DESCRIPTION AND QUALITY OF THE SUBSTANCES OF WHICH PLASTERING IS TO BE MADE.

- 109 All laths used for plastering shall be sound laths, free from sap, but iron or other incombustible laths, wire netting or other suitable material to the satisfaction of the district surveyor may be used.

Plastering or coarse stuff shall be composed of lime and sand in the proportion of 1 of lime to 3 of sand, mixed with water and hair, but Portland cement, Keene's cement, Parian cement, Martin's cement, Selenitic cement, or other approved cement or plaster of Paris, may also be used for plastering.

The lime to be used must be freshly burned lime.

The sand to be used must be clean, sharp sand, free from loam or earthy matter.

The hair to be used must be good and sound, and free from grease or dirt; 1 lb. of hair to be used to every 3 cubic feet of coarse stuff. Fibrous material to the satisfaction of the district surveyor may be used instead of hair, and ground brick or furnace slag to the satisfaction of the district surveyor may be used instead of sand.

The setting coat shall be composed of lime or cement mixed with clean washed sand or of cement only.

Clear water only is to be used in mixing the material.

The Portland cement to be used must weigh not less than 90 lbs. to the imperial bushel.

Fibrous slab or other slab plastering of sufficient thickness and securely fixed, may be used on ceilings, partitions, and walls to the satisfaction of the district surveyor.

2. AS TO THE MODE IN WHICH AND THE MATERIALS WITH WHICH ANY EXCAVATION OUTSIDE THE SITE OF A BUILDING IS TO BE FILLED UP.

Any excavation made within a line drawn outside the site of a house, building, or other erection, and at an uniform distance therefrom of 3 feet, shall not be filled up otherwise than with the natural soil or with brick or dry rubbish or other suitable material to be approved by the district surveyor, not consisting of, nor impregnated or mixed with any faecal, animal or vegetable matter, or with dust or slop or other refuse, and shall be properly rammed. 109

3. DUTIES OF DISTRICT SURVEYORS.

It shall be the duty of each district surveyor on receiving notice of the commencement of any house, building, or other erection, or on his becoming aware that any house, building, or other erection is being proceeded with, or that any excavation is being made within a line drawn outside the site of a house, building, or other erection and within 3 feet therefrom, to see that the plastering is of the description and quality prescribed by, and that any excavation be filled up with the material and in the manner specified in the foregoing by-laws.

4. FEES TO BE PAID TO DISTRICT SURVEYORS.

There shall be paid to the district surveyor in respect of his supervision of the plastering of any house, building, or other erection, and in respect of the filling in of any excavation made outside the site of any house, building, or other erection, and within a distance of 3 feet therefrom an inclusive fee of five shillings, such fee to be payable in the manner and at the time specified in section 51 of the Metropolitan Building Act, 1855. 109

5. PENALTIES.

In case of any breach of the provisions contained in these by-laws, the offender shall be liable for each offence to a penalty not exceeding five pounds, and, in each case of a continuing offence, to a further penalty not exceeding forty shillings for each day after notice of such offence from the London County Council or the district surveyor.

The seal of the London County Council was hereto affixed on the 13th day of October, 1891.



I hereby confirm the foregoing by-laws.

H. DE LA HOOKE,
Clerk of the Council.

HENRY MATTHEWS,
One of Her Majesty's Principal
Secretaries of State.

19th October, 1891.

BY-LAWS AND REGULATIONS APPLYING IN THE CITY OF LONDON ONLY.

[NOTE.—*The headings for the various by-laws and regulations are not official.*]

CITY REGULATIONS: HOUSE DRAINAGE, ETC.

HOUSE DRAINAGE AND WATER-CLOSET REGULATIONS.¹

207 } 1. **Applications for Drains.** All persons proposing to construct house drains and
322 } w.c.'s, or being "ordered" to re-construct any existing w.c. or drain, or connect or
disconnect any w.c., shall at least seven days before the work is to be commenced make
application at the office of the Public Health Department of the Corporation at the
Guildhall, on a form to be obtained there, and shall deposit a plan of the premises to
be drained, drawn to a scale of 8 feet to an inch, with the lines of the proposed drains,
their branches and inlets, shown thereon in red, together with their sizes and the depth
of the lower floor of the premises below the footway kerb fronting the same. All
existing drains to be shown by blue lines on the plan.

2. **Separate Connection for each House.** Each house to have a separate and independent connection with the public sewer where practicable, and where impracticable a twin drain or some other method approved by the Public Health Department must be adopted.

208 } 3. **No Work to be done Internally until the Connection with Sewer is Completed.** No work is to be commenced inside the premises until the connection from the sewer to the front of the building has been completed, excepting in cases of emergency, such as flooding, etc.

4. **Work beneath Public Way to be done by the Public Health Department at Expense of Applicant.** All work beneath the public way will be done by the contractor to the Public Health Department, and the applicant, before the works are commenced, shall pay the cost of such drain and any other works incidental thereto as estimated by the engineer to the corporation.

5. **Drains to be laid in Straight Lines.** All drains where practicable shall be laid in straight lines and outside the premises.

6. **Drain Pipes.** All drains are to be formed of socketed, impermeable, glaze stone-ware pipes, free from defects, and of a smooth surface inside, each pipe to be in section a true circle and perfectly straight. All pipes of six inches diameter and under are to be at least $\frac{5}{8}$ inch thick, and all over six inches are to have a thickness of at least one-twelfth of their internal diameter. If iron pipes are used they must be at least $\frac{3}{8}$ inch thick, and be coated internally with Dr. Angus Smith's or other approved composition.

208 } 7. **Mode of Laying Drains and Jointing.** The pipes are to be carefully put together, the butt end of one pipe being forced into the socket end of the next pipe as closely as will permit, and the space between them filled in with Portland cement of good quality, mixed with a little clean sharp sand, the cement to be thoroughly worked in so as to fill the whole space and to cover the joint externally. The inside of each pipe to be carefully wiped out so as to remove any cement that may have worked in through the joint. The joints of all iron pipes are to be run with lead and properly caulked.

8. **Depth and Inclination for Drains.** All drains where practicable shall be laid

¹ Author's note: The requirements as to water-closets are amplified by the by-laws made under the City of London (Various Powers) Act, 1900; see p. 729.

at least 12 inches below the floor level measuring to the tops of the pipes; the ground shall be carefully excavated to true hanging lines and so made up that the pipes shall have a firm bearing throughout their entire length.

9. Junctions to be Curved. All junctions shall be curved and made at the sides of the pipes and join the pipes in the direction of the flow. No T or right-angled junctions will be allowed.

10. Taper and Channel Pipes. Taper pipes are to be used where the size of the drain is reduced and inspection chambers with half-channel pipes, and air-tight covers as well as access pipes are to be provided if so directed at each change in direction of the main drain.

11. Inclinations. Where practicable all 6-inch drains shall be laid to a fall of not less than 2 inches in 10 feet and 4-inch drains not less than 3 inches in 10 feet.

12. Drains to be Laid in Concrete. Where the drains are laid under any part of a building they shall be laid on and surrounded with 6 inches of good Portland cement concrete, mixed in the proportion of six parts of fine clean ballast to one of cement.

13. Laying Pipes. In laying the pipes spaces are to be hollowed out of the concrete to receive the collars so that the body of the pipes may rest on the concrete and have a firm bearing.

14. Testing. No drain shall be deemed to have been laid to the satisfaction of the Public Health Department until it has been properly tested by the sanitary inspector, in the case of old buildings, or the inspector of pavements in the case of new buildings, or other officers appointed to do such work, and each drain shall be tested with water once after the pipes have been laid and jointed, and, if necessary, before and after, the ground has been filled in. Where there are several inspection chambers in the building the drains can, if so desired, be tested in sections. 208

15. Rain-Water Pipes, Sinks, etc., to Discharge into Gullies. All rain-water pipes shall discharge over or into trapped gullies fitted with moveable iron gratings, and fixed when practicable in the open air. All outlets or waste pipes from sinks, baths and lavatories to be trapped and discharge into trapped stoneware gullies, fitted with moveable iron gratings, and fixed in the open areas. So many of the rain and waste water pipes as is practicable shall be collected into one gully or trap, as near as may be to the head of the drain, the said gully being covered in at the floor level, if inside a building with a moveable air-tight cover. 208

16. No Bell Traps allowed. No bell, whistle, lip, "D" or other non-self-cleansing trap will be allowed.

17. No Rain-water Pipes to be used as Ventilators. No rain-water pipe shall be used as a ventilating pipe, excepting under special circumstances, as approved by the Public Health Department.

18. Water-closets. All water-closets shall have external light and ventilation, and have at least one side next an external wall overlooking a street or open space. In new buildings or buildings reconstructed from the first floor level upwards, every water-closet shall be lighted naturally, and be provided with adequate means of constant ventilation, and shall be so constructed that at least one of its sides shall be an external wall abutting upon a street or open space. Where constructed in or abutting on any room used for occupation or used as a factory or workshop, the water-closet must be enclosed by a brick wall at least four-and-a-half inches thick extending the entire height from floor to ceiling, covered with an impervious material on one side, and be provided with proper door and fastenings. No water-closet shall open directly into any room where persons are engaged, but shall be approached by a lobby ventilated to the external air. In existing buildings all water-closets shall have direct communication with the external air, and where constructed in or abutting on a room used as a factory or workshop, or where any person is engaged, the water-closet must be enclosed by an impervious wall or partition extending the entire height from floor to ceiling.

19. Water Supply. The water supply shall be separate and independent from the drinking supply.

20. W.c. Fittings. Each water-closet is to be fitted with a good apparatus of the wash-down or short-hopper class, and with approved waste-preventing

cisterns, giving at least a two-gallon flush at each discharge, the connection between the cistern and the water-closet being made by a pipe at least $1\frac{1}{4}$ inches internal diameter.

21. **Traps.** All water-closets in the lower floors of premises and all surface drains, sinks, gullies, rain-water pipes and other inlets (excepting vertical soil pipes) shall be efficiently trapped by syphon, or other approved traps, before being connected with the drains. All water-closets on the upper floors shall be trapped before being connected with vertical soil pipes. No D traps or containers will on any account be allowed.

22. **Anti-Syphonage Pipes.** Where there is more than one water-closet connected with one vertical soil pipe, anti-syphonage pipes must be used if so directed.

23. **No Waste Water Pipes to be Connected with Soil Pipes.** No waste-water pipes in the upper floors are to be connected with the soil pipes or traps to water-closets, and if connected with rain-water pipes, then only with such pipes as are outside the building, and are to be first trapped.

24. **Soil Pipes.** All soil pipes shall be not less than $3\frac{1}{2}$ inches internal diameter formed of lead or iron, with all joints gas-tight and carried up without diminution of their area, with as few bends as possible to above the highest part of the roof, and be fitted with a wire top or cage, and are not to be fixed near chimney stacks, windows, dormers, or other openings. Where practicable, they shall be placed outside buildings, and when inside shall be of lead, weighing not less than 8 lbs. to the foot superficial, with wiped joints, and fixed in grooves or chases so that they may be readily accessible.

25. **Connecting Lead to Iron.** In connecting lead soil pipes to iron pipes, a brass thimble piece is to be passed over the end of the soil pipe and then wiped on it. Some tarred yarn is then to be inserted in the space between the thimble and the iron socket, and the joint run with blue lead, and properly caulked.

26. **Connecting Lead to Stoneware Pipes.** In connecting the lead soil pipes to stoneware drains, the thimble-piece must be wiped on to the soil pipe as before, and the joint to the stoneware pipe filled in with cement. This method is also to be adopted when connections are made between the earthenware traps of water-closets and lead soil pipes.

27. **Urinals.** Every urinal and the floor and screens surrounding it is to be constructed of impervious material, and is to be furnished with an automatic flushing cistern or such other appliance for properly flushing same as may be approved by the Public Health Department. The water supply is to be separate from the drinking supply, and the outlet is to be properly trapped and connected with an independent down pipe or drain properly ventilated.

28. **Intercepting Traps and Inspection Chamber.** Before being connected with the public sewer the main drain must be trapped by means of a sewer intercepting trap, or syphon fitted with a cleansing arm provided with an air-tight stopper, such trap to be fixed between the sewer and an inspection chamber, formed of brickwork, built and rendered in cement. This chamber is to be provided with an air-tight iron cover and ventilated by a pipe at least $3\frac{1}{2}$ inches diameter carried from the top of the chamber as a fresh air inlet, and terminating with a box fitted with mica valves.

29. **Ventilating Pipes.** At least two untrapped openings shall be provided to the drains, one opening being at or near the surface of the ground to communicate with the drains by means of a suitable pipe which shall be taken into the inspection chamber as previously described, such opening in any case to be on the house side of the intercepting trap, the second opening to be made by carrying up from the drain as far as may be practicable from the first opening a ventilating pipe at least $3\frac{1}{2}$ inches diameter to above the highest part of the roof and away from all window openings, dormers, chimney stacks, etc. Zinc pipes will not be allowed.

30. **Inspection Chambers.** All inspection chambers, where practicable, to be constructed in the yards or areas of the premises to be drained.

31. **Overflow and Warning Pipes to Discharge into Open Air.** The overflow or warning pipes from cisterns shall, where practicable, discharge into the open air, and shall not in any case have any direct communication with a soil pipe or drain.

32. **All Old Drains and Cesspools to be Filled Up.** All old brick or other disused drains and cesspools, etc., shall be broken up and destroyed, and the materials

forming them and all foul earth and other substances shall be carefully removed, and, if necessary, dry earth or brick rubbish shall be brought in to fill up.

33. Work to be Done to Satisfaction of Engineer or other Officer Appointed by the Public Health Department. The whole of the work shall be executed with the best materials of their several kinds, and the drains laid in accordance with the sections furnished by the engineer to the Corporation, and all work to be done to the satisfaction of the engineer, or other officer deputed by him to supervise that work.

34. No Drain to be Covered Up until Inspected. No drain shall be covered in until it has been seen and approved by such officer, and at least 24 hours notice shall be given by the applicant to the Public Health Department, Guildhall, when the drains are ready for inspection, and if any drain be covered in without such notice, the Corporation shall be empowered to uncover the work and recover the expenses of so doing from the person so offending. 208

CITY BY-LAWS: WATER-CLOSETS, Etc.

BY-LAWS MADE BY THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON, HEREIN REFERRED TO AS "THE CORPORATION," UNDER SECTION 54 OF THE CITY OF LONDON (VARIOUS POWERS) ACT, 1900, WITH RESPECT TO WATER-CLOSETS, EARTH-CLOSETS, PRIVIES, ASHPITS, CESSPOOLS AND RECEPTACLES FOR DUNG, AND THE PROPER ACCESSORIES THEREOF IN CONNECTION WITH BUILDINGS. 542

1. Application and Plan, etc. Every person who shall intend to construct a water-closet, or to connect or disconnect any water-closet from any soil pipe or drain, shall, at least seven days before the work is to be commenced, deliver or send, or cause to be delivered or sent to the Corporation (Public Health Department), at the Guildhall, a plan showing the situation of such water-closet drawn to a scale of 8 feet to one inch, and a section showing the means of ventilation. 208

2. (1.) Situation and Approach of W.c. Every person who shall hereafter construct a water-closet in connection with a building shall construct such water-closet in such a position that one of its sides at the least shall be an external wall, which external wall shall abut immediately upon the street, or upon a yard or garden or open space of not less than fifty square feet of superficial area, measured horizontally at a point below the level of the floor of such closet.

W.c.'s Exempt from By-laws. Provided always that these requirements shall not apply—

(a.) to any water-closet constructed below the surface of the ground and approached directly from any area or other open space available for purposes of ventilation measuring at least forty superficial feet in extent, and having a distance across of not less than five feet, and not covered in otherwise than by a grating or railing.

Or (b.) to any water-closet the floor of which is not more than five feet below the pavement or the general level of ground upon which the water-closet abuts, and which complies with the following conditions, viz., such closet shall not be of less internal dimensions than three feet in width, four feet six inches in length, and six feet six inches in height. Ventilation and light shall be provided by means of a window, open grating, or glass louvres, not less than two feet in height, and of not less area than six square feet, and any such window shall be fixed not less than six inches above the pavement or the general level of the ground upon which the water-closet abuts. 209

(2.) He shall not construct any such water-closet so that it is approached directly from any room used for the purpose of human habitation, or where any person or

persons are employed, or used for the manufacture, preparation, or storage of food for man, or as a factory, workshop, or workplace, except where any other mode of construction may be impracticable. In any such excepted case he shall so construct such water-closet that it shall be approached through a lobby, corridor, or landing properly ventilated to the external air.

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(3.) **Enclosing Walls or Partitions.** He shall construct such water-closet so that on any side on which it would abut on a room intended for human habitation, or where any person or persons are employed, or used for the manufacture, preparation or storage of food for man, or used as a factory, workshop or workplace, it shall be enclosed by a solid wall or partition of brick or other materials, at least two inches thick, extending the entire height from the floor to the ceiling.

(4.) **Floors.** He shall provide any such water-closet that is approached from the external air with a floor of hard, smooth, impervious material, having a fall to the door of such water-closet of half-an-inch to the foot.

(5.) **Doors and Fastenings.** He shall provide such water-closet with proper doors and fastenings.

3. (1.) **Light.** Every person who shall construct a water-closet in connection with a building, whether the situation of such water-closet be or be not within or partly within such building, shall construct in one of the walls of such water-closet a window of such dimensions that an area of not less than two square feet, which may be the whole or part of such window, shall open directly into the external air. He shall in every case, where in pursuance of the last preceding by-law one of the walls of such water-closet abuts upon a public way, yard, garden, or open space, construct such window in such wall.

(2.) **Ventilation.** He shall, in addition to such window, cause such water-closet to be provided with adequate means of constant ventilation.

4. (1.) **Cisterns.** Every person who shall construct a water-closet in connection with a building, shall furnish such water-closet with a cistern of adequate capacity (not less than two gallons) for the purpose of flushing, which shall be separate and distinct from any cistern used for drinking purposes, and shall be so constructed, fitted, and placed as to admit of the supply of water for use in such water-closet, so that there shall not be any direct connection between any service pipe upon the premises and any part of the apparatus of such water-closet other than such flushing cistern. Such flushing cisterns shall be constructed so as to discharge completely with one pull and to refill rapidly.

Cisterns Used Solely for Flushing. Provided always that the foregoing requirement shall be deemed to be complied with in any case where the apparatus of a water-closet is connected for the purpose of flushing with a cistern of adequate capacity, which is used solely for flushing water-closets or urinals.

(2.) **Flushing Pipe to Pans.** He shall construct or fix the pipe and union connection of such flushing cistern with the pan, basin, or other receptacle with which such water-closet may be provided, so that such pipe and union shall not in any part have an internal diameter of less than one inch and a quarter.

(3.) **Flushing Apparatus.** He shall furnish such water-closet with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom and from the trap connected therewith of any solid or liquid filth which may from time to time be deposited therein.

(4.) **Pan or Receptacle.** He shall furnish such water-closet with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle, to fall free of the sides thereof and directly into the water received and contained in such pan, basin, or receptacle, and he shall not construct or fix under such pan, basin, or receptacle, any "container" or other similar fitting.

(5.) **Pans to be Trapped.** He shall construct or fix immediately beneath or in

connection with such pan, basin, or other suitable receptacle, an efficient syphon trap, so constructed that it shall at all times maintain a sufficient water seal between such pan, basin, or other suitable receptacle, and any drain or soil pipe in connection therewith. He shall not construct or fix in or in connection with the water-closet apparatus any "D" trap or other similar trap.

5. (1.) **Ventilation of Trap.** Any person who shall construct in connection with a building any water-closet, the soil pipe of which shall communicate with any sewer and shall be in connection with any other water-closet, shall cause the trap of every such water-closet to be ventilated into the open air at a point as high as the top of the soil pipe, or into the soil pipe at a point above the highest water-closet connected with such soil pipe, and so that the ventilating pipe shall have in all parts an internal diameter of not less than two inches, and shall be connected with the arm of the soil pipe or the trap at a point not less than three and not more than twelve inches from the highest part of the trap and on that side of the water seal which is nearest to the soil pipe. He shall cause the joint between the ventilating pipe and the arm of the soil pipe or the trap to be made in the direction of the flow.

(2.) **Material for Ventilating Pipes.** He shall construct such ventilating pipe in drawn lead or of heavy cast iron. Provided that in any case where it shall be necessary to construct such ventilating pipe within a building, he shall construct such ventilating pipe in drawn lead.

(3.) **Weight of Ventilating Pipes.** He shall construct such ventilating pipe, whether inside or outside a building, so that if the pipe be of lead its weight shall not be less than 45 lbs. per 12 feet length, and if the pipe be of iron its thickness shall not be less than three-sixteenths of an inch, and its weight not less than 25 lbs. per 6 feet length.

(4.) **Joints of Ventilating Pipes.** He shall in all cases cause the joints in and the connections to such ventilating pipe to be made in the same manner as if such ventilating pipe were a soil pipe.

6. (1.) **Slop Sinks for Filth and Urinals.** A person who shall construct, in connection with a building, a slop sink or urinal constructed or adapted to be used for receiving any solid or liquid excremental filth for conveyance to any sewer, shall construct or fix immediately beneath such slop sink or urinal an efficient syphon trap, so constructed as to be capable of maintaining a sufficient water seal between such slop sink or urinal, and any drain, soil pipe, or waste pipe in connection therewith. He shall not construct or fix in or in connection with such slop sink or urinal any trap of the kind known as a bell trap, a dip trap, or a "D" trap.

(2.) **Ventilation of Traps of Slop Sinks.** He shall, as regards the ventilation of the trap of such slop sink or urinal, and the construction of the waste pipe of such slop sink or urinal, comply with all the requirements of the preceding and following by-laws which are applicable to the ventilation of the trap of a water-closet and the construction of a soil pipe, always provided that the internal diameter of the waste pipe of any such slop sink or urinal shall not be less than 3 inches, and where the internal diameter of such waste pipe is 3 inches the weight of such pipe for every 10 feet of length shall, if such waste pipe be constructed of lead, be not less than 60 lbs., and if such waste pipe be constructed of cast iron the weight of such pipe for every 6 feet of length shall be not less than 40 lbs. Provided that in any case where only one or two urinal basins are connected to such waste pipe the internal diameter of such waste pipe may be not less than 2 inches.

7. (1.) **Situation and Material of Soil Pipe.** Any person who shall provide a soil pipe in connection with a new building for the purpose of conveying to a sewer any solid or liquid excremental filth, or shall for that purpose construct a soil pipe in connection with an existing building, shall, whenever practicable, cause such soil pipe to be situated outside such building, and shall construct such soil pipe in drawn lead or of heavy cast iron. Provided that in any case where it shall be necessary to construct such soil pipe within such building, he shall construct such soil pipe in drawn lead with proper wiped plumbers' joints, and so as to be easily accessible.

(2.) **Thickness and Weight.** He shall construct such soil pipe, whether inside or outside the building, so that its weight, if the pipe be of lead, and its thickness and

weight, if the pipe be of iron, in proportion to its length and internal diameter, shall be:—

Diameter.	Lead. Weight per 10 feet length, not less than	Iron.	
		Thickness of metal, not less than	Weight per 6 feet length (including socket and beaded spigot or flanges, the socket not to be less than $\frac{1}{4}$ -in. thick), not less than
$3\frac{1}{2}$ inches	65 lbs.	$\frac{3}{16}$ -inch.	48 lbs.
4 "	74 "	$\frac{3}{8}$ "	54 "
5 "	92 "	$\frac{1}{2}$ "	69 "
6 "	110 "	$\frac{5}{8}$ "	84 "

(3.) **Joints.** If he shall construct such soil pipe of cast iron with socket joints, he shall cause such joints to be not less than $2\frac{1}{2}$ inches in depth, and to be made with molten lead properly caulked, and he shall also cause the annular space for the lead, in the case of $3\frac{1}{2}$ -inch and 4-inch pipes, to be not less than $\frac{1}{4}$ inch in width, and, in the case of 5-inch and 6-inch pipes, to be not less than $\frac{3}{8}$ inch in width. If he shall construct such soil pipe with flange joints, he shall cause such joints to be securely bolted together with some suitable insertion.

(4.) **Soil Pipe not to be Connected with Rain Water and Waste Pipes, nor to be Trapped.** He shall construct such soil pipe, whether inside or outside the building, so that it shall not be connected with any rain-water pipe or with the waste of any bath, or of any sink other than that which is provided for the reception of urine or other excremental filth, and he shall construct such soil pipe so that there shall not be any trap in such soil pipe or between the soil pipe and any drain with which it is connected.

(5.) **Size of Soil Pipes and Position of Outlets for Foul Air.** Every person who shall provide a soil pipe, outside or inside a building, shall cause such soil pipe to have an internal diameter of not less than $3\frac{1}{2}$ inches, and to be continued upwards without diminution of its diameter and (except where unavoidable) without any bend or angle being formed in such soil pipe, to such a height and in such a position as to afford, by means of the open end of such soil pipe, a safe outlet for foul air, and so that such open end shall in all cases be above the highest part of the roof of the building to which the soil pipe is attached, and, where practicable, be not less than 3 feet above any window within 20 feet measured in a straight line from the open end of such soil pipe.

(6.) **Termination of Soil or Ventilating Pipe.** He shall furnish the open end of such soil pipe and any soil ventilating pipe with a wire guard or other suitable covering, the openings in the meshes of which shall be equal to not less than the area of the open end of the soil pipe.

(7.) **Connection of Lead Trap, etc., with Iron Pipe or Drain.** In all such cases where he shall connect a lead trap or pipe with an iron soil pipe or drain, he shall insert between such trap or pipe, and such soil pipe or drain, a thimble of copper, brass, or other suitable alloy, and he shall connect such lead trap or pipe with such thimble by means of a wiped or overcast metallic joint, and he shall connect such thimble with the iron soil pipe or drain by means of a joint made with molten lead properly caulked. Provided that it shall be sufficient if he shall connect such lead trap or pipe into an iron soil pipe in an equally suitable and efficient manner.

8. **Connection of Stoneware Trap of Closet, etc., with Lead Soil Pipe, etc.** Any person who shall connect a stoneware or semi-vitrified ware trap or pipe with a lead soil pipe, waste pipe, or trap communicating with a sewer, shall insert between such stoneware or semi-vitrified ware trap or pipe and such lead soil pipe, waste pipe, or trap, a socket of copper, brass, or other suitable alloy, and shall insert such stoneware or semi-vitrified ware trap or pipe into such socket, making the joint with Portland or other equally suitable cement, and shall connect such socket with the lead soil pipe, waste pipe, or trap, by means of a wiped or overcast metallic joint; provided always

that it shall be sufficient if he shall connect the stoneware or semi-vitrified ware trap or pipe with the lead soil pipe, waste pipe, or trap, in an equally suitable and efficient manner.

9. Connection of Lead Soil Pipe, etc., with Stoneware Drain, etc. Any person who shall connect a lead soil pipe, waste pipe, ventilating pipe, or trap with a stoneware or semi-vitrified ware pipe or drain communicating with a sewer, shall insert between such lead soil pipe, waste pipe, ventilating pipe, or trap and such stoneware or semi-vitrified ware pipe or drain, a flanged thimble of copper, brass, or other suitable alloy, and shall connect such lead soil pipe, waste pipe, ventilating pipe, or trap with such thimble by means of a wiped or overcast metallic joint, and shall insert the flanged end of such thimble into a socket on such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland or other equally suitable cement; provided always that it shall be sufficient if he shall connect the lead soil pipe, waste pipe, ventilating pipe, or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner.

10. Connection of Iron Soil Pipe, etc., with Stoneware Drain, etc. Any person who shall connect an iron soil pipe, waste pipe, ventilating pipe, or trap with the stoneware or semi-vitrified ware pipe or drain communicating with a sewer, shall insert the beaded spigot end of such iron soil pipe, waste pipe, ventilating pipe, or trap into a socket on such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland or other equally suitable cement; provided always that it shall be sufficient if he shall connect the iron soil pipe, waste pipe, ventilating pipe, or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner.

11. Connection of Stoneware Trap of Closet, etc., with Iron Soil Pipe, etc. Any person who shall connect a stoneware or semi-vitrified ware trap or pipe with an iron soil pipe, waste pipe, trap or drain communicating with a sewer, shall insert such stoneware or semi-vitrified ware trap or pipe into a socket on such iron soil pipe, waste pipe, trap or drain, making the joint with Portland or other equally suitable cement; provided always that it shall be sufficient if he shall connect the stoneware or semi-vitrified ware drain or pipe with the iron soil pipe, waste pipe, trap or drain in an equally suitable and efficient manner.

12. New Fittings to Existing W.c. A person who shall newly fit or fix any apparatus in connection with any existing water-closet, shall, as regards such apparatus and its connection with any soil pipe or drain, comply with such of the requirements of the foregoing by-laws as would be applicable to the apparatus so fitted or fixed if the water-closet were being newly constructed.

13. Situation of Receptacles for Dung. A person shall not use as a receptacle for dung any receptacle so constructed or placed that one of its sides shall be formed by the wall of any room used for human habitation, or under a dwelling-house, factory, workshop or workplace, and he shall not use any receptacle in such a situation that it would be likely to cause a nuisance or become injurious or dangerous to health.

14. (1.) Capacity of Receptacles. Every owner of any existing receptacle for dung shall, before the expiration of six months from the date of the confirmation of these by-laws, and every person who shall construct a receptacle for dung, shall cause such receptacle to be so constructed that its capacity shall not be greater than two cubic yards, and so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle.

(2.) Facilities for Cleansing Receptacle. He shall so construct such receptacle that a sufficient part of one of its sides shall be readily removable for the purpose of facilitating cleansing.

(3.) Construction of Receptacle, etc. He shall also cause such receptacle to be constructed in such a manner and of such materials, and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the ground or into the wall of any building. He shall cause such receptacle to be so constructed that no rain or water can enter therein, and so that it shall be freely ventilated into the external air.

Capacity of Receptacles which are Frequently Emptied. Provided that a person

who shall construct a receptacle for dung, the whole of the contents of which are removed not less frequently than every forty-eight hours, shall not be required to construct such receptacle so that its capacity shall not be greater than two cubic yards.

Construction of Metal Cages in Lieu of "Receptacles." And provided that a person who shall construct a receptacle for dung, which shall contain only dung of horses, asses or mules, with stable litter, and the whole of the contents of which are removed not less frequently than every forty-eight hours, may, instead of all other requirements of this by-law, construct a metal cage, and shall beneath such metal cage adequately pave the ground at a level not lower than the surrounding ground, and in such manner and to such an extent as will prevent any soakage into the ground; and if such cage be placed near to or against any building he shall adequately cement the wall of such building in such a manner and to such an extent as will prevent any soakage from the dung within or upon such receptacle into the wall of such building.

15. (1.) **Cleansing of W.c.'s.** The occupier of any premises shall cause every water-closet belonging to such premises to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such water-closet in a cleanly condition.

(2.) **Cleansing Receptacles for Dung.** The occupier of any premises shall, once at least in every week, cause every receptacle for dung belonging to such premises to be emptied and thoroughly cleansed.

Landlord Responsible where W.c. or Receptacle for Dung is Used in Common. Provided that where two or more lodgers in a lodging-house are entitled to the use in common of any water-closet or receptacle for dung, the landlord shall cause such water-closet or receptacle for dung to be cleansed and emptied as aforesaid.

(3.) **Definitions of "Lodging-house," "Landlord," and "Lodger."** For the purposes of this by-law "a lodging-house" means a house or part of a house which is let in lodgings or occupied by members of more than one family. "Landlord" in relation to a house or part of a house which is let in lodgings, or occupied by members of more than one family, means the person (whatever may be the nature or extent of his interest) by whom or on whose behalf such house or part of a house is let in lodgings or for occupation by members of more than one family, or who for the time being receives, or is entitled to receive, the profits arising from such letting. "Lodger," in relation to a house or part of a house which is let in lodgings or occupied by members of more than one family, means the person to whom any room or rooms in such house or part of a house may have been let as a lodging or for his use or occupation.

209 (4.) **Exemption of Common Lodging-houses.** Nothing in this by-law shall extend to any common lodging-house.

16. **Maintenance of Closets, etc.** The owner of any premises shall maintain in proper condition of repair every water-closet and receptacle for dung, and the proper accessories thereof, belonging to such premises.

PENALTIES.

17. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of five pounds, and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the Corporation. Provided nevertheless that the court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if the court thinks fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

REPEAL OF BY-LAWS.

18. From and after the date of the confirmation of these by-laws, the by-laws under section 54 of the City of London (Various Powers) Act, 1900, with respect to water-closets, earth-closets, privies, ash-pits, cesspools, and receptacles for dung and the proper accessories thereof in connection with buildings which were made by the Mayor and Commonalty and Citizens of the City of London on the twenty-eighth day

of July, 1904, and were confirmed by the Local Government Board on the twenty-seventh day of September, 1904, shall be repealed.

Examined,

HOMWOOD CRAWFORD.

The common seal of the Mayor and Commonalty and Citizens of the City of London was affixed to these by-laws at a duly constituted meeting of the Court of Common Council holden on the first day of July, 1909, and in my presence.

JAMES BELL,
Town Clerk.



Allowed by the Local Government Board this seventh day of September, 1909.

S. B. PROVIS,
Secretary.



Acting on behalf of the said Board under the authority of their General Order dated the twenty-sixth day of May, 1877.

CITY BY-LAWS: DEMOLITION OF BUILDINGS.

BY-LAWS MADE BY THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON ON THE TWENTY-FOURTH DAY OF MARCH, NINETEEN HUNDRED AND FOUR, UNDER SECTION 5 OF THE CITY OF LONDON (PUBLIC HEALTH) ACT, 1902, IN RELATION TO THE DEMOLITION OF BUILDINGS IN THE CITY OF LONDON. 556

1.—EVERY PERSON WHO SHALL CAUSE A BUILDING WITHIN THE CITY TO BE DEMOLISHED SHALL COMPLY WITH THE FOLLOWING RULES:—

(1.) He shall cause proper fans to be fixed at the level of the first floor of such building, and of every other floor where necessary. Before any pulling down is commenced, he shall cause all windows in the external walls from which sashes and glass have been removed to be hoarded up unless a gantry be constructed, and the upper portion of such gantry boarded in to the full height of the building to be demolished. 212

(2.) He shall so far as practicable cause the internal partitions of such building to be pulled down storey by storey before commencing to take down any of the external walls of the respective storeys.

(3.) He shall cause canvas or boarded or other suitable screens, or mats, to be placed wherever necessary to prevent nuisance arising from dust.

(4.) He shall so far as is necessary, to prevent nuisance arising from dust cause water constantly to be used on each floor during the demolition of such building, and all materials to be freely sprinkled with water.

(5.) He shall not cause any ceiling to be broken down, or any mortar shot or allowed to fall into any basement, between the hours of 10 a.m. and 6 p.m., on any day except Saturday, nor between the hours of 10 a.m. and 2 p.m. on any Saturday. Provided that this rule shall not apply in the case of any building or part of a building which shall not be within 20 feet of a public way.

(6.) He shall not cause any materials arising from the demolition of such building to be carted away, or cause any carts to be placed across or alongside any footway adjoining the site of such building for the purpose of carting away, between the hours of 10 a.m. and 6 p.m. on any day except Saturday, nor between the hours of 10 a.m. and 2 p.m. on any Saturday. Provided that this rule shall not apply in any case where a temporary carriage-way entrance, or draw-in across such footway has been

provided in such a manner that carts can be loaded within the premises and without nuisance arising from the escape of dust.

2.—PENALTIES.

Every person who offends against the foregoing by-law shall be liable for every such offence to a penalty of Five Pounds for each breach thereof: Provided nevertheless that the justices or court before whom any complaint may be made, or any proceeding may be taken, in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

Examined,
HOMWOOD CRAWFORD,
City Solicitor.

L. S.

The common seal of the Mayor and Commonalty and Citizens of the City of London was affixed to these by-laws at a duly constituted meeting of the Court of Common Council, holden on the second day of June, 1904, and in my presence.

JAMES BELL,
Town Clerk.

Allowed by the Local Government Board this twentieth day of July, 1904.

L. S.

S. B. PROVIS,
Secretary.

Acting on behalf of the said Board, under the authority of their General Order dated the twenty-sixth day of May, 1877.

CITY REGULATIONS: HOARDS AND SCAFFOLDS.

330 REGULATIONS AND FEES FOR HOARDS AND SCAFFOLDS, AS ORDERED 3RD MAY, 1887, 5TH MAY, 1891, 7TH MARCH, 1893, 25TH JANUARY, 1898, AND 25TH APRIL, 1901.

Communications to be addressed:—

The Town Clerk,
Public Health Department,
Guildhall, E.C.

APPLICATIONS.

212 Each application for hoard or scaffold is to be entered in a book, with headings for the following information:—

1. Name of street or place, and number of house.
2. Nature of work to be executed.
3. Area of ground level of new premises to be built, or old premises largely altered.
4. Number of storeys, including ground floor, if new premises are to be built or old premises altered.
5. Length of hoarding or scaffolding needed.
6. Time for which licence is requested.
7. Name and address of owner.
8. Do. do. architect.
9. Do. do. builder.
10. Date of application.
11. Signature of applicant.

REGULATIONS.

12. The inspector of pavements is to report in the application book the time he thinks needful for the hoard or scaffold to be licensed; the licence is then to be made out, and the conditions entered in the book by the engineer's clerk.

13. If there is disagreement between the applicant and the inspector, as to the time needed, the engineer will decide.

14. No hoard or scaffold is to project beyond the foot-way pavement where it is narrow, nor more than 6 feet where it is wide enough to admit of such projection; any deviation on account of special reasons is to be stated upon the licence.

15. No hoard is to have doors opening outwards.

16. No scaffold is to be enclosed so as to prevent passengers passing under it.

17. The lower stages of scaffolds are to be close or doubly planked; each stage to have fan and edge boards, and such other precautions to be taken as the inspector of pavements requires, to prevent dirt or wet falling upon the public, or for the public safety.

18. No materials are to be deposited below any scaffold. If, in the opinion of the engineer, it is necessary for the public safety, a hoard licence to be granted instead of a scaffold licence.

19. Where practicable or needed, a boarded platform, 4 feet wide, and as much wider as may be necessary for the traffic, with stout post rails, and wheel kerbs on the outside of it, are to be constructed outside the hoard or scaffold, as the inspector may direct.

20. Where it is necessary in the public interest, applicants shall form a gantry, stage, or bridge over the public-way, if required, so as to allow the foot passengers to pass beneath it. The gantry is to be double planked, and so constructed as to prevent dust, rubbish, or water falling upon the foot passengers, and the licensee shall keep the public-way beneath it clean to the satisfaction of the inspector.

21. Hoards and scaffolds are to be watched and lighted at night.

22. All fire hydrants must be left unenclosed in recesses formed of such size and in such manner as may enable the hydrant to be easily used.

23. Public lamps are not to be enclosed without the permission of the engineer. When such enclosure is permitted, the applicant shall put a lamp or lamps temporarily outside the hoard or scaffold, so that the public-way may be properly lighted.

24. The licensee shall undertake to employ and pay the contractors to the Corporation to make good the pavements, lamps, and all works disturbed, to the satisfaction of the engineer.

25. No advertisements allowed on hoardings unless specially licensed.

26. The frontage lines of all new buildings will be checked by the engineer, and due notice must be given to him before ground level is reached.

27. Whenever hoardings are erected in two thoroughfares in connection with premises constituting one building, half fees will be charged for the separate hoarding in the minor street.

28. Trade advertisements—when exceeding 10 ft. sup. in total area, will be charged for at the same rates as placards.

29. Licences are not allowed to be transferred, and each contractor utilising a hoarding will be required to take out a licence—notwithstanding that a licence may have been previously taken out for its erection.

FEES FOR LICENCES (without the right to advertise).

FOR HOARDS.

	£	s.	d.
If to remain not more than two weeks, per foot lineal of frontage ...	...	0	0 6
If over two weeks and not more than four weeks, per foot lineal ...	...	0	1 6
If over four weeks and not more than eight weeks, per foot lineal ...	...	0	4 6
If over eight weeks and not more than twelve weeks, per foot lineal ...	...	0	9 0
For every month or part of a month beyond the twelve weeks, per foot lineal ...	...	0	5 0

FOR SCAFFOLDS.

	£	s.	d.
If to remain not more than two weeks, per foot lineal of frontage ...	0	0	4
If more than two weeks and not more than four weeks, per foot lineal ...	0	1	0
If more than four weeks and not more than eight weeks, per foot lineal ...	0	3	0
If more than eight weeks and not more than twelve weeks, per foot lineal...	0	6	0
If more than twelve weeks and not more than sixteen weeks, per foot lineal	0	10	0
For every month or part of a month beyond the sixteen weeks, per foot lineal...	0	5	0

No fee, either for hoard or scaffold, to be more than £10, without the right to advertise.

FOR RAKING SHORES.

If to remain not more than two weeks, each ...	0	5	0
If more than two weeks and not more than four weeks, each...	0	15	0
If more than four weeks and not more than eight weeks, each ...	2	0	0
If more than eight weeks and not more than twelve weeks, each ...	4	0	0
For every month or part of a month beyond twelve weeks ...	2	0	0

FOR FLYING SHORES.

If to remain not more than two weeks, each ...	0	2	6
If more than two weeks and not more than four weeks, each...	0	7	6
If more than four weeks and not more than eight weeks, each ...	1	0	0
If more than eight weeks and not more than twelve weeks, each ...	2	0	0
For every month or part of a month beyond twelve weeks, each ...	1	0	0

When a licence (without the right to advertise) is renewed, the fee is to be that which would have been charged had the licence been taken out for the full time at first, less the sum of money already paid for the first licence.

FOR THE RIGHT TO ADVERTISE.

In addition to the scale of fees charged as above for hoards without the privilege of advertising, the following payments have to be made for the right to advertise, viz.: 10s. per 100 feet super., per month (or part of a month) of four weeks, in first-class streets and the return frontages thereto; 5s. per 100 feet super., per month of four weeks, in all other streets.

JAMES BELL,
Town Clerk.

Applicants for licences are requested to attend at the Engineer's Office, Public Health Department, between 10 and 10.30 a.m. to sign the necessary forms.

LIST OF FIRST-CLASS STREETS.

Adelaide Place.	Farringdon Street.
Aldersgate Street.	Fenchurch Street.
Aldgate.	Finsbury Pavement.
Aldgate High Street.	Fleet Street.
Barbican.	Fore Street.
Beech Street.	Gracechurch Street.
Bishopsgate Street Within.	Great Tower Street.
Bishopsgate Street Without.	Gresham Street.
Blackfriars Bridge Approach.	Holborn.
Blomfield Street.	Holborn Circus.
Cannon Street.	Holborn Viaduct.
Chancery Lane.	Houndsditch.
Charterhouse Street.	King Street, Cheapside.
Cheapside.	King William Street.
Cornhill.	Leadenhall Street.
Eastcheap.	Liverpool Street.

LIST OF FIRST-CLASS STREETS—*continued*.

Lombard Street.	Prince's Street.
London Wall.	Queen Street.
Long Lane.	Queen Street Place.
Lothbury.	Queen Victoria Street.
Lower Thames Street.	St. Andrew Street.
Ludgate Circus.	St. Bride Street.
Ludgate Hill.	St. Martin's-le-Grand.
Mansion House Street.	St. Paul's Churchyard.
Moorgate Street.	Threadneedle Street.
New Bridge Street.	Throgmorton Street.
New Broad Street.	Upper Thames Street.
Newgate Street.	Victoria Embankment Approach.
Old Broad Street.	West Smithfield.
Poultry.	

CITY APPLICATIONS: VAULTS, PAVEMENT LIGHTS, ETC.

CONDITIONS RE VAULTS, PAVEMENT LIGHTS, COAL PLATES, LAMPS, CLOCKS, CRANES, BOARDS,	{ 326
TABLETS AND DAYLIGHT REFLECTORS. ¹	{ 329

Applications for vaults, pavement lights, and coal plates will be treated on their merits and must be accompanied with plans and sections drawn to a scale of not more than 8 feet or less than 4 feet to an inch, showing the width of the footway pavement from the general line of frontage of the building to the curb. 212

Persons constructing vaults and fixing pavement lights, etc., will be required to execute the work to the satisfaction of the Corporation and to pay their contractors the expenses of taking up and replacing the pavements in accordance with their schedule of prices.

All pavement lights, curbs and coal plates must be maintained in good condition, and kept flush with the pavement.

No board or other projection shall be placed in such a position as to intercept the rays of light from any public lamp.

Every application for a lamp, clock or crane shall be accompanied by drawings, showing the dimensions, mode of fixing, total projection from the frontage line, the width of the footway pavement from the general line of frontage of the building to the curb, and the height from the pavement to the underside of such lamp, clock or crane.

Applications for lamps must be accompanied with a specification of the description and power of the light to be used.

No new cellar flap will be allowed in front of old buildings—and no cellar flap will be allowed in front of new buildings.

No vault, pavement light, coal plate, lamp, clock, crane or reflector shall be constructed or fixed until a grant from the Corporation has been obtained.

All projections over, upon or beneath the public ways will be permitted only during the pleasure of the Corporation.

Vaults. The walls and arches shall be built of good hard stock bricks, set in mortar or cement, at least one brick and a half in thickness.

The springing walls shall be at right angles with, and the front walls parallel with, the general line of the frontage of the building, and cambered on plan.

The top of each arch shall be at least eighteen inches below the surface of the pavement.

¹ Applications are to be made upon a special form obtainable at the Guildhall.

Iron or steel joists or steel troughing and Portland cement concrete may be used for covering the vaults, subject to approval.

Ten feet, measuring from the general line of frontage of the building to the extreme outer point of the brickwork of the walls, shall be the greatest projection granted in any street; but in streets where the footway has not so great a projection as ten feet, to the inside line of the curb of such footways.

The space between excavated ground and brickwork of front wall of vaults shall be filled in with concrete. The spandrels of arches must also be filled in with concrete, so as to present a level bedding of concrete to follow the fall of the pavement. A damp course shall be inserted and all external walls and crown shall be coated with asphalt in order to render the same impervious to moisture.

In connection with any provision in vaults, areas, or cellars for the use of electricity for lighting power or for any other purpose, the pressure between any pair of terminals or conductors shall not exceed 450 volts, and the whole of the conducting circuit shall be insulated in the best possible manner and be encased in a continuous metallic sheathing, efficiently connected to earth, so as to ensure at all times an immediate and safe discharge of electrical energy.

No water-closet will be allowed to be placed beneath the public way.

Pavement Lights. The maximum projection of pavement lights, measuring from the general line of frontage of the building to the inside edge of curb, shall be fifteen inches in footways three feet wide—eighteen inches in footways not exceeding 8 feet wide, and twenty-four inches in footways exceeding 8 feet wide.

Pavement lights shall be surrounded by curbs of similar material to the adjoining pavement or shall be faced with such material or other approved non-slipping material, and such curbs shall be not less than six inches in width and six inches deep if the pavement is composed of York stone, or six inches in width and four inches deep if faced with asphalt or other non-slipping material. If the pavement is York stone a straight joint is to be made between such paving and the curbs; if the curb is faced with asphalt or other non-slipping material the width of the curb shall be defined by a lead slip or other approved means. Curbs shall rest upon brickwork or other support not less than four and a half inches thick. The curbs between pavement lights shall not be less than six inches wide. The frames are to be of sufficient thickness of ironwork filled in with perforated iron or glass at least one inch thick and not exceeding four inches square, and made so as not to open.

Coal Plates. Coal plates shall be circular, and not more than twelve inches in diameter, and securely let into rabbets cut into the paving stones, or in rebated iron rings where the footways are asphalted; they shall be formed of an approved non-slip material; or if to give light to the cellars shall be of iron frames, the space or width between the bars being not more than one and a half inches at any point, and filled with glass lenses.

Whenever practicable, and subject to approval, coal plates may be inserted in pavement lights.

Lamps. The underside of any portion of a lamp, other than a lamp for shop window lighting, shall be not less than 12 feet from the surface of the footway, and, if fitted with a high power light, not less than 20 feet from the footway level.

The external dimensions, including frame and ornaments, shall not exceed 5 feet in height and 3 feet in any other direction.

No lamp shall project more than 4 feet 6 inches from the front of the house where the pavement permits, or be less than 2 feet from the carriageway.

Advertisements will be permitted on the sides but not on the bottom of the lamp, and the bottom of lamps shall in all cases be of clear glass.

All lamps shall be kept lighted from sunset until the premises upon which they are fixed are closed.

All arc lamps shall be so guarded as to prevent pieces of ignited carbon or broken glass falling from them, and shall not be used in situations where there is any danger of the presence of explosive dust or gas.

Lamps for Shop Window Lighting. The underside of any portion of a lamp for shop window lighting shall be not less than 8 feet from the pavement level, the

extreme projection over the public way shall not exceed 3 feet when the width of the footway permits, and not less than 2 feet from the carriageway. The external dimensions of such lamp shall not exceed 2 feet 3 inches in any direction, and shall not be fitted with high power lights, unless screened in such a manner as to prevent the rays of light falling upon the public ways.

Clocks. The height above the footway and projection of each clock shall be determined by the Corporation. No lettering, by way of advertisement, shall be placed upon the dial, the clock shall be illuminated from sunset to midnight, and be kept synchronised with Greenwich time at the expense of the owner.

Cranes. Cranes fixed against new buildings shall be above the first-floor level, shall not project more than 3 inches when flat against the building, and shall be used only during such hours as the Corporation may prescribe. Cranes fixed against old or existing buildings shall not project more than 5 inches when flat against the building.

Projecting Boards and Tablets. Trade advertisement boards and tablets will be permitted provided they do not exceed 3 feet in width by 2 feet in height and 3 inches in thickness, with a projection of not more than 3 feet 6 inches from the front of the building to the extreme edge of the board or tablet, but in no instance beyond 2 feet inside the line of curb; the height of such projections must be of a minimum of 9 feet from the pavement to the underside of the board or tablet.

Letting boards will be permitted, provided they do not project more than 18 inches from the face of the building, at a minimum height of 10 feet from the pavement to the underside of the board.

Daylight Reflectors. Reflectors of the Chappuis type to be fixed at a minimum height of 8 feet from the pavement level and to be of a maximum projection of 3 feet, measured horizontally from the line of building frontage, provided that such projection does not come within 18 inches of the line of curb.

Reflectors of the Luxfer Canopy type to be fixed at a minimum height of 10 feet from the pavement level and to be of a maximum projection of 3 feet, measured horizontally from the line of building frontage, provided such projection does not come within 18 inches of the line of curb.

No advertisements will be allowed upon any reflector.

GUILDHALL, E.C.,

14th March, 1907.

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